84-1685 ①

Office-Supreme Court, U.S.
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ALEXANDER L. STEVAS,
CLERK

NO. 84-________

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1984

In Re: Janice Ching Yee, Petitioner Pro Se,

v.

Betty Vitousek[1]; Edward Chun[2]; Robert Hogan[2]; Alfred A. Yee, and Alfred A. Yee & Associates, Inc.; Bobby Kau, John S. Williamson, of/and John Hancock Mutual Life Ins. Co.; Gunji Izumoto[3] Harold Shintaku[4]; Norito Kawakami[4] Elizabeth M. Adams[5]; Gerry Nagahisa[6]; Hawaii State Bar Assn. involved members; Jung Lowe[7]; Dan Heely[7]; Hawaii Judicial Qualifications Commission of 1978: Robert Stevenson, Clifford Melim, Rev. Charles Crane, Wilson Cannon†, and Mitsuyuki Kido†; Stephanie Kokernak[8]; Jarret Ko[5]; Kwong Yen Lum[5]; John Parks[2]; William Richardson[9], Bert Kobayashi[9], Benjamin Menor[9], Robert W.B. Chang[9], Edward Nakamura[9], and Thomas Ogata[9]†; Arthur Fong[4]; James Burns[1]; Gov. George Ariyoshi; Barry Rubin[1]; Donald Tsukiyama[1]; Richard Lee[1]; U.S. Court of Appeals (9th Cir.) Judges: Alfred Goodwin, Otto Skopil, Harry Pregerson, and Warren Ferguson; Hawaii's U.S. District Court Judges: Samuel King, Martin Pence, Harold Fong, and (ex.) Walter Heen; Hawaii's U.S. District Attorneys Daniel Bent and Frank Wilson; U.S. Supreme Court[10];

And, by Joinder* per 1/11/85 and 2/6/85 "Motion"s; HSC: Judges[4]: Richard Au, Edwin Honda, and Philip Chun; and Attorneys[2]: Charles Witherwax, M. Tyler Pottenger, Thomas Crowley, William McCorriston, and Warren Price III;

And, by Joinder* per this Petition: Hawaii Supreme Court Justice James Wakatsuki; Substitute Justices, Judges: Harry Tanaka, Leland Spencer, Ronald Moon, and Robert Klein;

Respondents.

ON EXTRAORDINARY WRIT OF CERTIORARI TO THE SUPREME COURT OF HAWAII;

Re: case HSC #10354, on Appeal for case HCC #83013 by

PETITION to the SUPREME COURT of the UNITED STATES

AFFIDAVIT OF PETITIONER PRO SE

CERTIFICATE OF SERVICE

Mrs. Janice Ching Yee, Petitioner Pro Se
at: 3169 Alika Ave. Hon. Hi. 96817. ph: 808-595-3426

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[1] Judge of Hawaii Family Court (HFC) [2] ex-Attorney, or Respondent Attorney in conflict.
[3] Chief Clerk "Court Commissioner", HCC, re: Inc. policies. [8] ex-maid.
[5] Court Psychiatrist, or Psychiatrist; Dr. [6] Court Social Worker.
[7] ex-Disciplinary Counsel. [9] Justice or ex-Justice, Hawaii Supreme Court (HSC)
†deceased, exempt; also noted: Robert Franklin, not in group.
[10] original present members. *pending this Court's approval.

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NO. 84-________

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1984

In Re: Janice Ching Yee, Petitioner Pro Se,

v.

Betty Vitousek; Edward Chun; Robert Hogan; Alfred A. Yee, and Alfred A. Yee & Associates, Inc.; Bobby Kau, John S. Williamson, of/and John Hancock Mutual Life Ins. Co.; ET AL;

Respondents

ON EXTRAORDINARY WRIT OF CERTIORARI†
TO THE SUPREME COURT OF HAWAII
Re: case HSC‡ #10354, on Appeal for case HCC‡ #83013 by
PETITION to the SUPREME COURT of the UNITED STATES

To the Honorable Chief Justice and Honorable Associate Justices; or their Substitute Justices*, for the Supreme Court of the United States; this honorable, humble Petitioner Pro Se Janice Ching Yee (herein as Petitioner or JCY) PETITIONS, and prays, for this Court's discretion and prerogative, that an EXTRAORDINARY WRIT OF CERTIORARI or MANDAMUS issue; with JURISDICTION that arises from action, according to *TITLE 28, U.S. CODE: Chap.‡ 81, sec.‡ 1257(3); Chap. 111, sec. 1651(a) and 1654; Chap. 133, sec. 2101(c) and 2106;* this *U.S. Supreme Court's Rules, RULE 17(1)(b & c), RULE 13, RULE 19.1 and 19.2,* and especially *RULE 26;* with prayers for action arising also from *TITLE 42, Chap. 21, sec. 1981, 1982, 1983, 1985, 1986,* and especially *1988;* and all *RULINGS*** and *CONSTITUTIONAL LAW* pled; because of "present exceptional circumstances" requiring this Court's REVIEW, of lower Court Orders/Judgments which invoked the Jurisdiction of the Court, and the *Constitution of the U.S.;* giving probable cause, reason for (A) direction, reversal, and remand of this case for Jury Trial, demanded, and neglected by the lower Courts; or (B) redress determination by this Court**.

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†per cover; and herein also as Defendants or Appelles. ‡see Abbreviations p. ix.

*in view of "Motion for Recusal", in this Court.

**appended as APPENDIX 2.

**per *USSCR, Rule 26, and 28 USC#2106.*

I. QUESTIONS PRESENTED FOR THIS REVIEW

A. Does the *U.S. CONSTITUTION* allow State Courts to perjurously, libellously, coerce "incapacitation" of any good American born woman, forced to suffer illegal delay and fines (by the violators); for her assertion of Civil Rights for Redress of Rights lost by coerced "incapacitation" since 1973; and now denied Jury Trial re: 55 issues proven; demanded; injured by "dismissals/denials" by proven corrupted prejudiced Hawaii Judiciary conspired?

B. Does the *U.S. CONSTITUTION* allow use of "Protective Orders" deceptively by any State (or Hawaii Federal) Court, to coerce ordered non-assertion of JCY's civil rights for Redress of Grievances; and for Jury Trial demanded?

C. Does the *U.S. CONSTITUTION* allow State Supreme Court to hastily deny Appellant's APPEAL; or hastily affirm lower Court distortions and deletion of official Court Records, with JCY's factual pleas ordered "stricken", including matter pled in conformity with "30 days granted extension" of "time to plead for relief"?

D. Can this U.S. Supreme Court determine this case with REVIEW?

II. STATEMENT OF PARTIES INVOLVED

The parties involved†, and their functions‡, which contributed to 55 violations* of unconstitutionality, have been named on the cover caption, with inclusion for Joinder, any Contributory Respondents "needed for proper adjudication" of Petitioner's case, with prayers for Approval and permission of this Court, for Joinder of any who could have prosecuted violators, but aided, condoned, and contributorily perpetrated unconstitutionality, which worsened injury grievances of JCY, for action, according to *42 USCS#1988; 28 USC#2106;* and *USSC, Rule 26;* especially, for this Court's Jurisdiction.

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†and Counsels, are listed in Certificate of Service.

‡see HCC, "tCR", Amendment of Complaint, vol. II, p. 30-204; and vol. IV, "Excerpts APP.", p. 1-521; for details.

*APP. 8.

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7. Marty's Adult World of New Britain, Inc. v. Guida, 453 F. Supp. 810 (1978). *1, 3, 4, 19, 21*

8. Nagler v. Admiral Corporation, 248 F. 2d 319 (1957); Fed. Rules of civ. Proc. Rule 8(a-2) 28 USCA *1, 3, 4, 19, 21*

9. Palsgraf v. Long Island R.R., 248 NY 339, 344, 122 NE 99, 199 (1928) *1, 3, 4, 19, 21*

10. Philadelphia Retail Jewelers Assn. v. L. & C. Mayers, 1 F.R.D. 606 (E.D. Pa. 1941). *1, 3, 4, 19, 21*

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12. Rosen v. Texas Co., 161 F. Supp. 55 (S.D.N.Y. 1958). *1, 3, 4, 19, 21*

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C. ABBREVIATIONS OF PERTINENCE TO BE USED HEREIN

1. APP. =APPENDIX
2. AAY =Alfred A. Yee, Respondent
3. Chap. =Chapter
4. HCC =Hawaii Circuit Court, First Circuit
5. HFC =Hawaii Family Court, First Circuit
6. HSBA =Hawaii State Bar Association (Assn.)
7. HSC =Hawaii Supreme Court
8. H.S. CONST. =Hawaii State Constitution
9. HSCR =Hawaii Supreme Court Rules
10. JCY =Janice Ching Yee, Petitioner Pro Se
11. sec. =section
12. "tCR" ="the Court Records" (certified here)
13. 28 USC =TITLE 28, United States Code
14. 42 USCS =TITLE 42, United States Code Service
15. U.S. CONST. =United States Constitution
16. USSC =United States Supreme Court
17. USSCR =United States Supreme Court Rules

IV. UNOFFICIAL REPORT OF OPINIONS BELOW

On March 8, 1985, Hawaii Supreme Court's Chief Clerk reported "that the Court will be taking no action on the 'Affidavited Objection'; considering it another 'Motion for Reconsideration'. And "similarly, the 'Affidavited Notice to Hawaii State Attorney General re: Question of Constitutionality of Statute'", will "not be acted upon by the Court". (APP. 1-A)

V. STATEMENT OF JURISDICTION

the JURISDICTION of this Court, arises from action, according to Statutory and Constitutional Provisions quoted for this Petition, for Extraordinary Writ; based on Federal questions of Petitioner's Constitutional Right (1) for Redress of Grievances, (2) for Jury Trial demanded properly, and (3) for Freedom from judicial suppression/oppression† by Judicial obstruction by Hawaii Circuit Court and Hawaii Supreme Court condonement perpetration, malevolently disinterested unconstitutionality which invoked the Jurisdiction of the Court, against their "Orders/Judgments" "in conflict with the decisions of "any other proper "State Court of last resort", or "Federal Court of Appeals"*, and where "important question(s) of Federal Law" have "not been, but should be settled by this Court"; wherefore Hawaii's Court "Orders" are "in conflict with applicable decision of this Court"**; and according to *U.S. Supreme Court Rules, Rules 17(1) (b and c); and 26.*

A. RE: ORDERS SOUGHT TO BE REVIEWED

The ORDER sought to be reviewed, for case HSC #10354 in Hawaii Supreme Court, was filed February 14, 1985, at 2:19 p.m. (APP. 1-C), "Dismissing Appeal"; with timely OPENING BRIEF⁑ filed February 14, 1985 at 10:18 a.m. that morning; and "Denied as moot" Appellant's "Motion for Order for Permanent, Preventive, Mandatory Injunction, as Motion to Stay the Lower Trial Court's Judgments/Orders as 'Perjured, Obstructive Malpractice' by Lawyers/Judiciary Involved" and "Motion for Order to Include New Defendants-Appellees by Joinder, Consolidation, and by Motion for Injunction"; wherefore the Hawaii Supreme Court didn't review any of the Unconstitutional Orders/Judgments presented to it; hereby appended as APP. 1-B.

†causing "entrapment" to plead for rights and reputation.

*esp. RULINGS for JILLSON v. CAPRIO: APP. 2.

** see all RULINGS of APP. 2, relied on for precedent.

⁑ due March 16, 1985.

B. RE: ORDER DENYING RECONSIDERATION, or REHEARING

The ORDER which "Denied" "Motion for Reconsideration" and "Motion for Recusal of Justice Wakatsuki" and "Substitute Justices", was filed February 28, 1985, at 9:42 a.m.; with "Motion's" filed February 19, 1985 at 9:41 a.m. (APP. 1-D)

C. RE: STATUTORY PROVISIONS FOR JURISDICTION

The Statutory Provision of pertinence for this Court's Jurisdiction, for this Petition, arises from action, according to:

1. *TITLE 28, USC, Chap. 81, sec. 1257(3); Chap. 111, sec. 1651(a)* and *1654; chap. 133, sec. 2101(c)* for timeliness of this Petition for Extraordinary Writ of Certiorari, with pertinence for use of *Chap. 133, sec. 2106;*
2. *TITLE 42, U.S.C.S., Chap. 21, sections 1981, 1982, 1983 1985, 1986, and 1988* in particular;
3. *HAWAII REVISED STATUTES, Chap. 657-20,* for six (6) years extension of time against "fradulent concealment" that unconstitutionality and crime was committed by previous Courts, wherefore their Court Orders were/are "Documents of Discovery"* of malicious abuse and used for fraudulent concealment of wrong previously hidden; wherefore "res judicata" cannot apply.

   The text of all Statutory Provisions of pertinence has been appended as APPENDIX 3, alphabetically, with all RULINGS of APPENDIX 2 used for affirmation of LAW relied on, especially RULINGS of *JILLSON v. CAPRIO,* and *WHITE v. BLOOM.*

D. RE: MISCELLANEOUS PERTINENCE

The NOTICE OF APPEAL to this United States Supreme Court, was filed March 12, 1985, at 9:02 a.m., appended as APPENDIX 4.

IV. CONSTITUTIONAL PROVISIONS AND RULES INVOLVED

The Constitutional Provisions and Rules involved, are included verbatim, in APPENDIX 3, alphabetically, and noted here for pertinence.

1. *THE CONSTITUTION OF THE UNITED STATES,* and its *Article Four,* and its *AMENDMENTS 1, 4, 5, 7, 8, 9, 13, and 14,* are important, and are being invoked and violated by

Hawaii's Judiciary, which perjured against the Judicial Oath to "uphold" and "support the Constitution of the United States", and its "Laws"; especially *AMENDMENT 14's* "equal protection of the Laws" clause, and *AMENDMENT 7's* "right to Jury Trial" clause, and *AMENDMENT 1's* "right to Petition" (or plead) for "Redress of Grievances" clause.

This includes "equal protection by:

2. *THE HAWAII STATE CONSTITUTION, Article 1, sections 1-8, 12, 13, and sections 20-22;* all not considered by the Judges involved in/from the Lower Hawaii Courts.
3. *THE RULES OF THE SUPREME COURT OF THE UNITED STATES, RULE 17(1)(b), RULE 17(1)(c), and RULE 26,* for this EXTRAORDINARY WRIT OF MANDAMUS, or CERTIORARI; to the lower State Supreme Court re: their "conflict" "Orders" which are not applicable with decision/orders or other reputable State Courts of last resort, or applicable decisions of this Court re: *AMENDMENTS 1, 7, 14's* use, reflected by the "domino theory" type compounded violations of AMENDMENTS 4, 5, 8, 9, and 13 too; and causing suffering by JCY, injured by the judicial coercion (by dismissal/denial) to be "incapacitated", forced by illegal procedural "false arrest"; whereof The Court RULED in *JILLSON v. CAPRIO:* "anyone who aids a false arrest is guilty!" (APP. 2) Also needed are this *Court's RULES 13 and 19.1 and 19.2,* in particular for best review by this Court, with the certified RECORD ON APPEAL from below, to be sent with this Petition. Also of pertinence:
4. *HAWAII'S CODE OF JUDICIAL CONDUCT, CANONS 1, 2, 3, and 6;* pled below.
5. *HAWAII'S CODE* OF PROFESSIONAL RESPONSIBILITY:*
   and 7-26; pled below: to *include 2-30.*
6. *HAWAII'S FAMILY COURT RULES'* unconstitutional *RULE 7(b-5),* where *28 USC, sec. 2403(a)* may be applicable; and Hawaii State Attorney General has been apprised of the unconstitutionality of this *Rule 7(b-5),* which deprives Plaintiff, victim, creditor of collectible moneys unless Plaintiff-/creditor's "financial statements" are shown (attached), not debtor's, wherefore the Hawaii Family Court, since 1971, has

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*per *Hawaii Supreme Court Rules, Rule 5.*

seen four (4) financial statements of Petitioner's being disadvantaged by invasion of privacy of Petitioner as tiny free entrepreneur capitalist, who was denied collection each time; this being pled over 10 years, coercing non-assertion of rights to collect since March 1982, in Hawaii Family Court.

7. Also of Pertinence, is *HAWAII RULES OF APPELLATE PROCEDURE, RULE 41(a)* for "Stay of Judgment" appended in APP. 3.
8. Petitioner prays for GRANT, for "REASON" of TRUE LAW.

VII. STATEMENT OF FACTS OF THIS CASE

Petitioner Pro Se Janice Ching Yee, suffers from much deceptive defraudment, not noticeable to the average American citizen, unless involved in the case, or knows of JCY's good "free enterprise" intent, as well as desire to build at least one "Old Peoples' Center" in each of 50 States of America, with respect for Chinese elders who can enjoy the better part of this "care" intent.

Because of this JCY, in Aprl 1984; once employed lawyer Melvin Wong, to help recover JCY's loss of insurance "surrender" funds, suspected of being defraudingly dissipated by ex-husband, Respondent Alfred Yee*, still liable for promises he and his ex-company Associates† made, to compensate JCY for work performed (accordingly); with insurance policies as payment reward, degraded from once sum of one million, seven hundred forty thousand dollars ($1,740,000) computed at moment of divorce where the goal promised was two million dollars ($2,000,000), cut down to unfair total of two hundred fifty thousand dollars ($250,000) ordered by Respondent Betty Vitousek‡ as divorce Court Judge's conflict intent (proven by hardship of the past 13 years for JCY, oppressed) wherefore Vitousek‡ also libellously ordered that JCY was "incapacitated"** which falsity restrained JCY over 10 years by "false arrest" unfairness, whereof "careerwoman" JCY pled too, as real Complainant "Pro Se", not any lawyer, but with "privilege" according to *HRS Chap. 605-2;* and *28 USC's section 1654.* (APP. 3)

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*as AAY herein.

†also Respondents.

‡see *Lyons v. St. Jos. Belt;* App. 2.

**EXH. 5 of Opening Brief, HSC "tCR" p. 303-388.

In April 1984, it was discovered that Respondent AAY drew out close to $100,000 from the insurance "surrender" fund (herein as "fund"); wherefore at six (6) months prior, the total sum drawn out had reached $80,000, when John Hancock Mutual Life Ins. Co. Agents, Respondents Bobby Kau‡ and John Williamson, were requested to encourage Respondent AAY to put the moneys back into the "fund", so Petitioner could withdraw the maximum, and maybe cancel the insurance policies†; for JCY won "final, absolute divorce" 3/1/73; where too unfair, small settlement for divorce, deprived JCY of this pleasure earlier.

JCY was given the impression by Insurance Respondents, that AAY signed for moneys from the "fund", for JCY had to sign for loan of even $1200†† from the "fund". Moneys paying the premiums were taken out of JCY's NOTES A & B, an unconstitutional contract, forced perpetratingly by the Courts even with JCY's capitalist pleas for "relief", being knowledgeable of being defrauded by NOTE A @ at no interest for loan to Respondent AAY* who could use the "repayments" of NOTE A to pay "premiums" (@ no interest) instead of loan from the "fund" @ 5% interest, which Insurance Respondents contended he was doing; but they never apprised JCY of this fact previously, knowing JCY's plight for extra funds for JCY's free enterprise endeavors.

The "case" was for JCY's recovery of insurance moneys as promised compensation earned, and due, and stop the dissipation; however, lawyer Wong was neglectful in his attitude, proven by his libelled letter to Respondent Hogan (APP. 6) and to Respondent Chun, as Wong admitted in Hawaii District Court (different case), wherefore Chun fraudulently concealed the letter. After four (4) months' work, Wong withdrew, and JCY was Granted "Appearance as Plaintiff Pro Se", and given "extension of thirty (30) days to plead for relief" and directed to amend Plaintiff's COMPLAINT.**

Wong's neglect was unfair, because Respondent Hogan was conflictedly neglectful, and caused JCY's sufferings of past thirteen (13) years, wherefore Respondent Hogan neglected to assert JCY's rights as capable, wellborn, goodwoman, with civil rights for fair, equitable financial settlement for divorce of twenty (20) legal years' marriage, wherefore Hogan neglected JCY's rights/appeal against assassinatory "degradation" of reputation, character, good name JCY; of income; of insurance policies coverage prom-

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‡ex-brother-in-law to AAY.

†since the marriage is dead.

††one of two similar loans borrowed by JCY.

*who sold his company of 66 men for enough moneys to pay the Notes.

**AAP. 7, and 8/14/84 transcript.

ised; and of custody loss because Respondent AAY greedily refused to pay child support moneys, and was aided by Respondent Chun, his lawyer (and Hogan); and Respondent Judge Vitousek who ordered five (5)[1] days' visitation rights for JCY, without child support moneys[2], on alimony ordered at 22% of AAY's income; alimony still unchanged even after pleas and if AAY is now making double the amount of income; all because of the inequities of *Hawaii Family Court Rule 7(b-5)*[3] which invades JCY's privacy as pled, causing coerced non-assertion of rights for collection, as Plaintiff, victim, Creditor. This deprives JCY of collection, and equal rights of/for self management of JCY's moneys,[4] whereof this case is not of the divorce situation; only of civil rights for redress, where "res judicata" cannot apply becaue the case for civil rights has not had any Trial yet, and JCY has traumatically been "taken advantage of"; including by all Judiciary involved.

In June 1975[5], Respondent Vitousek ordered:
"that the Chief Clerk of the Circuit Court" be "appointed as commissioner to act on behalf of Plaintiff, as owner of said policies No. 7552499 and 6577636 and to apply for such policy loans as may be available to find premium payments therefor."

After old clerk Sullivan died, Respondent Gunji Izumoto was requested to recuse himself from the fraud position[6], and refused to do so; yet refused to stop Respondent AAY from drawing out moneys from the "fund"; proving Izumoto was "malevolently disinterested"[7] in the welfare of JCY, injured by colluded Respondents' bad intent for oppressed degradation of JCY's living standards accustomed, proven by deprivation of income once earned so that JCY won't need to rent out part of JCY's house, losing privacy desired.

Because of this background, the conflicted lawyers unfairly used old Court Orders to coerce "res judicata"[8] pleadings which cannot apply, if the "Orders" didn't adjudicate on MERITS of JCY's case(s) with true 55 issues or claims not redressed, (APP. 8) now reserved for JURY TRIAL, demanded on "all issues triable".

[1] usually 6 days or 7 days if AAY was overseas.

[2] insulted as babysitter without pay.

[3] see *May Hosiery Mills v. U.S. dist. Crt. (of Montana)*: App. 2.

[4] whereof JCY managed moneys of 20 years' marriage.

[5] with *HRS 657-20*'s extension to plead v. fraudulent concealment of 55 violations.

[6] where Sullivan admitted he was not paid and not working at: "only for looks"

[7] see *In Re: Ledwith: APP. 2.*

[8] see *Fannie v. Chamberlain;* App. 2.

With this, JCY was justified for AMENDMENT OF COMPLAINT (amended) and for inclusion of DEMAND FOR JURY TRIAL, since ex-attorney Wong refused to include JURY TRIAL; wherefore it was proper for JCY to include JOINDER of remedies, claims, and persons "needed for proper adjudication" of JCY's case with consolidation of trials, if feasible. With thirty (30) days' extension of time to plead for relief, JCY pled proper for Summary Judgement for JCY, prepared for JURY TRIAL; wherefore Defendants' lawyers in conflict coerced the "sua sponte" dismissal† which was illegal in view of DEMAND FOR JURY TRIAL filed 9/11/84.

Judge Honda's ordered "sua sponte dismissal" on Oct. 11,† 1984; Judge Au ordered "costs for Defendant Hogan" on Nov. 14, 1984††; and Judge Honda on Dec. 27, 1984‡ ordered "costs of $100 fees for each Defendants' lawyers involved"; "protective Order for Defendants"; and distortion/deletion, by/to "strike" parts of the Court Records, (order drawn up by lawyer McCorriston, approved by Judge Honda) that latter was not Ruled on in Court Hearing of Oct. 31, 1984 reflected by 12/27/84 order; even after JCY wrote to the Court, and warned Honda of McCorriston's intended illegality. Judge Honda was so illegal, he even dismissed five (5) "Defaults" of Harold Nickelsen, James Koshiba, Hawaii State Bar Assn. involved, Dr. Kwong Yen Lum, and Dr. Jarret Ko; Respondents who defaulted of their own accord, and could have been adjudicated at the proof Hearing Judge Chun scheduled in his Court, (usurped by Honda) or at the Jury Trial, demanded, not honored.

This was then appealed to Hawaii Supreme Court, where four (4) of five (5) Justices recused properly, instead of conflict; whereof four substitute Justices seemed more conflicted* and didn't even honor, and Grant JCY's "Motion for" "Injunction"**, pled well enough for Grant against impending danger, threatened by lower Circuit Court invokement of the Jurisdiction.

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†APP. 1-B-5

††APP. 1-B-9.

‡APP. 1-B-11.

*being appointed by Respondent Ariyoshi too.

**HSC. "tCr", p. 28-153.

Hawaii Supreme Court's unrecused Justice Wakatsuki approved of inclusion of Amended Notice of Appeal* on Feb. 18, 1985; then on Feb. 14, 1985, joined four Substitute Justices in "order Dismissing Appeal"[1], at 2:19 p.m. proving no true REVIEW of JCY's APPEAL, with Opening Brief filed at 10:18 a.m. only four hours earlier; whereof the "Order" also denied as "moot", the pertinent "Motion for" "Injunction" of 1/7/85[2], and "Motion for Inclusion of New Defendants Appellees" (of 1/11/85[3]) proven "guilty" of obstruction aid of "false arrest" "incapacitation" of JCY[4].

"Motion for Reconsideration" and "Motion for Recusal of Justice" and "Substitute Justices", was filed Feb. 19, 1985, and "denied" Feb. 28, 1985.[5]

Through all this, conflicted clerks for Respondent Ariyoshi's administration or Respondent Izumoto as Chief Clerk; were deceptive in giving late days for Hearings in the Circuit Court, or refusing to let the Amended Notice of Appeal be sent up to the Hawaii Supreme Court, which injured JCY's case through their hasty "dismissal" without considering all parts re: illegal orders which unconstitutionality invoked the Jurisdiction of the court, irregardless of previous "Orders" which were unconstitutional perpetration of defraudment violations of JCY's rights, who Appeals for RIGHT for Redress of Grievances; as principle of Law.

This Court's original Justices also previously neglectfully, perpetratingly "denied" JCY's Appeals for Rights for Redress of grievances, with merits for Grant(s); so JCY prays for Grant of Motion for Recusal of all nine (9) Justices, included this day.

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*as proven true intent by original Title of Appeal #10354; HSC.

[1] APP. 1-C. [2] HSC, "tCR", p. 28-153.

[3] HSC, "tCR", p. 161-169

[4] see *Jillson v. Caprio;* APP. 2.

[5] APP. 1-D.

VIII. WHEN FEDERAL QUESTIONS WERE RAISED

In this case, the Court of first instance that invoked the Jurisdiction of the Court, by admitted unconstitutional coercive "denial" without proper adjudication/consideration of JCY's merits as Plaintiff, deprived too of "Demand for Jury Trial" and "Right for Redress of Grievances" proven, including reputation as "capable"; was first instigated by Judge Richard Au, at the Sept. 14, 1984 Hearing in Hawaii Circuit Court, reflected by the Sept. 27, 1984 Order[1], affirmed by (begin p. 6) page 7 of the Hearing transcript where Judge Au "denied" without Hearing JCY, who said, "You haven't heard me".

Judge Au: "I'll hear you at the end."

Mrs. Yee[2]: "Well, then you should reserve your judgment until after you hear me. Then you should vacate your judgment."

Judge Au: "No, the Motion to Strike Defendant Hogan's Motion for Summary Judgment is hereby denied. If you wish to address the Court further, you may do so at the end of the calendar. But otherwise, I've read the.......".[3]

Mrs. Yee: "I object to this, Your Honor. etc."[4]

The Court of the second instance was at Sept. 18, 1984 Hearing in Judge Honda's Court; and transcript proves that Lawyers' and Judge Honda's prejudice for Respondents Kawakami[5] and Ariyoshi, are evident, and colluded[6] for injury of JCY, hurt by deceptive defraudment (threats proven) deprivation/violation invokement of the Court's Jurisdiction for AMENDMENTS I and 14's RIGHTS, for JCY's Redress; can be seen throughout Defendants"[7] entire coercive pleadings, as evidenced by Lawyer Crowley's[3] deceptive coercive wrong attitude:

" So your Honor, we ask that the Court grant our oral motion to dismiss "sua sponte" to avoid this problem of reasonable attorney fees, because if it occurs, it's going to be quite a substantial sum. So we think it's appropriate for this Court at this time to dismiss sua sponte."

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[1] APP. 1-B-4. [2] pled as MRS., established title, even as Divorcee.

[3] see *Rice v. Winkelman; Hodgins v. State;* APP.2.

[4] APP. 9, and transcript of 9/14/84 Hearing.

[5] who instigated corruptive unconstitutionality by imposing costs on victim JCY.

[6] see ***Scott* v.** *Moore;* App. 2. [7] see entire 9/18/84 transcript.

This proves the Respondents', and Contributory Respondents' bad faith attitude is dangerous for innocent victims as Petitioner JCY with pleas for Redress, as gentlewomen, with proper Demand for Jury Trial, 9/11/84, before coercive 10/11/84[1] "sua sponte dismissal" Order.

The third instance in this case was at the Oct. 12, 1984 hearing before Judge Au; reflected by Oct. 23, 1984 Order[2], whereof JCY pled seven pages of Summary and pleas against Defendants' (especially Hogan's) violations of JCY's Rights, and pled:

"(the) Court can be impartial for proper adjudication of Plaintiff Janice's case. if not, please give me Janice the right for the Demand for Trial by Jury, so Janice can prosecute and convict all Defendants with the help of an impartial picked Jury and Judge."

After six (6) more pages of Hearing Defendants without merit, Judge Au closed with: "The motion to vacate is hereby denied. The Motion brought by Defendant Hogan to alter Judgement is granted. And the Court shall find as reasonable the amount of $4,768.75 as Attorneys' fees, and—".

Judge Au's predetermined bias for Defendants couldn't be changed by truth; yet Au wouldn't recuse.

The fourth instance of invokement by Judge Honda perpetrated previous prejudiced invokement; at the Oct. 31, 1984 Hearing, by/where Judge Honda was told that he didn't have Jurisdiction for:

1. *the illegally coerced sua sponte dismissal which should be reversed, vacated, and voided.*[3]

2. *the Oct. 11, order does not have Jurisdiction and should be voided, vacated, or reversed.*[4]

3. *Judge Au's judgment did not have Jurisdiction.*[5]

4. *let it (the Proof Hearing for "defaults" due 11/29/84) be continued to Nov. 29, Proof Hearing, instead of denial.*[6]

However, Judge Honda was prejudicedly biased from the start*, and contended on p. 18 of 10/13/84 transcript:

"you had, essentially, your day in Court".

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[1] APP. 1-B-5. [2] APP. 1-B-7.

[3] p. 4, par. 3; 10/31/84 transcript. [4] p. 5, par. 5; 10/31/84 transcript.

[5] p. 6, par. 4; 10/31/84 transcript. [6] p. 7, par. 3; 10/31/84 transcript.

*proven by Honda's attitude re: 8/30/84 Order; APP. 1-B-3; as suspect.

Mrs. Yee: "No, I didn't. I do have an amended Complaint that was proper with a demand for jury trial in the amended Complaint filed Sept. 11. it is my American right and my Constitutional Right, according to Amendment 1, 4, 5, 6, (8, 13, & 14 -transcriber erred) as pled, and especially Amendment 7 where it does give me right for Jury Trial".

Judge Honda: "Court will award attorneys' fees of one hundred dollars to each of the Counsel that are present here today".[1]

Mrs. Yee: "I object to this," etc.(see transcript)

This 10/31/84 Hearing[2] is reflected by unconstitutional order of Dec. 27, 1984[3]; that raised Federal Questions of JCY's Rights for (1) Redress of Grievances, as matter of Principle. (2) Jury Trial, demanded properly; and (3) Freedom as good American born citizen, injured by Judicial suppression/oppression "false arrest" perjured, cruel, malpractice obstruction, by 55 violations.[4]

IX. ARGUMENTS RELIED ON, FOR THIS WRIT

Arguments for this Writ's GRANT, are supported by all "Facts of This Case", and hereby incorporated so.

A. The *UNITED STATES CONSTITUTION* does not allow State Courts' "duty" to coerce "incapacitation" of capable Americanborn woman, as JCY.

1. *AMENDMENTS 1, 4, 5, 7, 8, 9, 13, and 14;* and *ARTICLE 4,* of the *U.S. CONSTITUTION*, protects Petitioner JCY from State Court coercion oppression being instigated and perpetrated unconstitutionally by violations/deprivation of JCY's civil rights, injured by Hawaii's corrupted State administration /judiciary[5], benefitted by Respondent Gov. Ariyoshi, who instead of non-tenure and non-appointment of conflicted, unconstitutional Judiciary for "taint" of his administration; appoints errant, conflicted Judiciary or Agency heads, or elevates them to higher positions of tenure, unfairly.

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[1] see U.S. v. Classic, Hampton V. Hanrahan and Haaslam v. Morrison, APP.2.

[2] see *Gloss v. People*, APP. 2.

[3] APP. 1-B-11.

[4] and personal hatred is No. 56.

[5] expressed best by TIME "Excerpt"; APP. 12.

a. especially pertinent, is the *First Amendment* "equal rights" and *Fourteenth Amendment* "equal protection of the laws" clauses, to protect JCY from Respondents and errant Judiciary's invokement and perjured malpractice obstruction violations of the *Seventh Amendment*, violated by the judiciary and Lawyers involved, requested joined as Respondents, because they actually joined Respondents by condonement aid of Judicial invokement, evidenced by all Court Orders, appended as "documents of discovery"[1]; with prayers for approval and permission of Joinder; by this Court's Order.

2. *HAWAII's STATE CONSTITUTION, Article 1, sections 1-8, 12, 13, and 20-22;* affirms this "protection rights" for Petitioner JCY.

3. So, the lower Hawaii Supreme Court should not, and cannot, condone, aid, contribute to, and/or perpetrate lower Circuit Court unconstitutionality, as:

a. "usurp", or invoke Jurisdiction of the Court, where Jurisdiction is reserved for Jury Trial, for 55 issues demanded properly; as pled; on Sept. 11, 1984[2], with/in "amendment of (amended) Complaint", with proper "Joinders", for "proper adjudication" of JCY's case, initially begun to recover insurance moneys being defraudingly dissapated by Respondent AAY, aided by Respondents Kau and Williamson of John Hancock Mutual Life Ins. co.; wherefore their Lawyers' pleas and other Lawyers' pleas were unfair relating to past[3] illegal dismissals/denials coercing non-assertion; so JCY was justified to include Joinders, and enlarge the case, against violators who caused "defraudment" of JCY's civil rights, and JCY, injured by resultant conspiracy of varied, greedy Respondents who, by bad intent conflict deprivations, civilly, and criminally violated JCY's legal rights to live Americanborn; victimized again by the unfair "dismissals/denials", "orders/judgments".

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[1] per *Fed. & Hawaii Rules of Civ. Proc.; Rule 26.*

[2] HCC, "tCR", vol. II, p. 30-304.

[3] per "tCR", HCC, Exhibits for vol. II, p. 1-23; and vol. III, p. 72-92.

JCY's legal rights to live Americanborn; victimized again by the unfair "dismissals/denials", "orders/judgements".

b. illegal "sua sponte dismissal"; ordered Oct. 11, 1984[1] reflecting 9/18/84 Hearing by Judge Honda.

c. illegal coercion to accept dismissals/denials of 8/6/84 re: Defendant Chun, and 8/23/84 re: Defendants Izumoto and Vitousek; which "orders" then were stubbornly coerced by Judge Honda and Defendants' Lawyers in bad faith conflict for "dismissal/denial" without probable cause; even after JCY was granted "Appearance as Plaintiff Pro Se", 30 days "extention" "time to plead for relief", and amend Complaint; by Judge Soong[2]; then seemingly overruled by Judges Au's and Honda's coercive "Orders/Judgments" which didn't consider JCY's merits for Amended COMPLAINT, and proper "Motions" of 8/28/84[3] for relief from Orders re: Defendants Chun, Isumoto, and Vitousek; and 8/29/84[4] to "strike" Defendant Hogan's distorted "Motion"; whereof JCY's "Motions" were timely for the 30 days extension time "to Sept. 13, 1984"; affirmed by transcript of Aug. 14, 1984 Hearing.[5]

d. the Sept. 27, 1984 "Order/Judgment" is evidence of Judiciary prejudiced coercion, affirmed by partial transcript of 9/14/84 Hearing[6] by Judge Au, unconstitutionally affirmed by Au's 12/5/84 "Order" which denied Hearing, and any remedy, recourse, or redress relief for innocent victim JCY, victimized again.

e. the cruel/unusual punitive Order of Oct. 23, 1984[7] for costs for Defendant Hogan who was perjurously and sexually breach of contract negligent as ex-lawyer once for JCY, where fore Hogan caused the unfair hard work of ten (10) years, as

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[1] APP. 1-B-5. [2] APP. 1-B-3.
[3] HCC, "tCR", vol. 1, p. 236-272.
[4] HCC, "tCR", vol. 1, p. 276-296.
[5] part appended as APP. 7.
[6] APP. 9. [7] APP. 1-B-7.

(Plaintiff) (Appellant) Petitioner Pro Se, with pleas for civil redress of 55 grievances for redress, recovery, relief, as pled; and injured worse (by illegal coercion) recently by "a lien" on JCY's house because of JCY's ASSERTION OF RIGHTS; victimized now by unfair ordered costs (once threatened) for "guilty" Respondent Hogan, being aided by Hawaii Judiciary malpractice, wherefore Hogan's Lawyer Crowley* was maliciously glib in distortions, causing Judge Au's "easy" prejudiced "Orders", which neglectfully ignored JCY's facts pled, and plight; wherefore costs should be borne by proven negligent Defendant Hogan, who must pay his own costs, and costs for JCY; where fore Hogan cannot dispute negligent bad intent, and no Jury Trial has been given yet, for Jury's decision, demanded.

f. the unconstitutional Dec. 27, 1984 "Order/Judgment"[1] which:

1) distorts perpetrated judiciary "fraudulent concealment" coercion for dismissals/denials, by illegal orders/judgments.

2) was cognizant of other Judiciary perpetrated perjury of Judicial Oath; therefore resulted in conspiracy perjured, malpractice obstruction (pled) for unconstitutional[2] prejudiced defraudment oppression of JCY, and JCY's civil rights for redress, recovery, relief, with FREEDOM as conclusion pled, for capable JCY with over 10 years pleas, learning all the way; and with background on one (1) year (2 quarters) of Business Law once as senior classwoman at Northwestern University, 1950-1951.

3) ordered[1] payment of $100 fees for each of Respondents' Lawyers involved then, which was judicial frivolity by

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*see *Lyons v. St. Joseph Bett;* App. 2.

[1] APP. 1-B-11.

[2] male sexual; racial animus.

Judge Honda, who maliciously was prejudiced, and refused to recuse, using the Judge position for injury of JCY for Redress, with rights for "equal opportunity and fair competition" against even professional Lawyers who can admit that they owe JCY redress as capable Complainant (Appellant) Pro Se, with right to live Americanborn capitalist manageress of JCY's moneys without ex-husband AAY, unfairly imposed as illegal incompetant "Trustee" of JCY's moneys, wherefore AAY refused to put JCY's moneys (Note A & B)* into bank certificates @ 16% interest once, thereby proving AAY's bad faith intent for dissapation of JCY's moneys; whereof JCY should not be forced to abide by slow collection of moneys of Note A & B, as "entrapment device" at the will of cruel AAY, Respondent.

4) Ordered the illegal "Protective Order for Defendants" to be argued in part B, of Arguments.

4. Hawaii Supreme Court cannot blatantly misuse its positions to illegally protect corruptive appointers Respondent Gov. Ariyoshi and/or William Richardson[1]; by their condonement of cruel cost impositions coercively used for coercion for non-assertion of JCY's Rights for redress, pled; with merits not adjudicated yet, or denied without Jury Trial demanded[2] wherefore Hawaii Supreme Court condoned lower Court invokement and perpetrated the invokement of the Jurisdiction of the Court by its "Order Dismissing Appeal", including denial of all Motions, and denial of "Motion for Reconsideration" pled; wherefore the Court clerk only accepted two copies of JCY's "Brief"; for the five membered Court to read and Review[3] and wherefore "Order Dismissing Appeal" was filed only four hours after Opening Brief was filed Feb. 14, 1985; pled.

a. The Hawaii Supreme Court cannot condone/perpetrate the forced "incapacitation" of JCY (and any American), who suffers yet, much harm perpetrated judicially, for Respondent Vitousek's cruel, instigated maliced civil violations, libel, defamation, slander, perjured criminalism defraudment, which is being

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*APP. 5.

[1] ex-Chief Justice of Hawaii Supreme Court, who also made conflict appointments.

[2] as equal right.

[3] out of 8 copies accepted usually.

perpetrated by Judiciary joined as Defendants/Appellees/Respondents who were all conflicted bad intent collusion[1] (result) for illegal "protection" of criminal violators of JCY's civil rights; for Redress as "matter of principle".

b. Because of Hawaii Supreme Court condonement/perpetration of injury of victim JCY's rights, Petitioner needs relief/redress, especially from the coercion to pay the villains Respondents and their conflicted Attorneys, as illegally ordered, maliciously[2] per Nov. 14, and Dec. 27, 1984 Orders, which are harassment tactics to coerce non-assertion of pleas/ rights/truth for JCY for redress, especially against Respondent Gov. Ariyoshi, who benefitted control unfairly thirteen years (causing oppression of JCY) in Hawaii's top office, and by corruptive appointments; proven by Orders by Honda, Au (condonement by Chun), then Tanaka, Klein, Spencer, Moon, and Wakatsuki; all, or majority, appointed by Ariyoshi, in consanguinity to even Respondent Judge Samuel King[3], where his relative Jean King was Ariyoshi's Lieutenant Governor once.

c. Coerced "incapacitation" as conflicted intent, is criminal, and a violation of JCY's constitutional "Human" rights, to live "capable", proven by 10 years' pleas as "Complainant Pro Se" and 12 years' as careerwoman, injured by proud, errant Judge, Respondent Vitousek's "orders", whereof "incapacitated" was not a medical opinion, wherefore the Court Psychiatrist's[4] malpractice libelled "severe chronic mental illness" report/testimony, was/is assassination of JCY's good name, character, reputation; pled; whereof JCY prays for REVIEW and RELIEF from this Court; against this harassment trauma injury of JCY with right for redress, proven, so JCY can live free as capable woman, for good use as first Chinese Americanborn Congresswomen, maybe; with knowledge to help with strong Constitutional Law.

B. The *U.S. CONSTITUTION* does not allow deceptive "Protective Orders" as illegal, restraintive "false arrest"[5] tools ordered procedurally, but improperly, maliciously, abusively, as deceptive means of coercion for non-assertion of Rights; pled; for redress guaranteed by *First Amendment*, and all RULINGS of Appendix 2, and against coercion cullusion by the Judiciary involved, for cruel exclusion of JCY for established redress rights.[6]

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[1] see *May Hosiery Mills v. U.S. Dist. Crt.* and *Scott v. Moore;* ; App. 2.

[2] see all *RULINGS*, APP. 2. [3] of U.S. Dist. Crt. of Hawaii.

[4] Dr. Betty or Elizabeth Adams, Respondent. [5] see *Jillson v. Caprio*; APP. 2.

[6] see all *RULINGS*, especially *Selzer v. Verkowitz; Britt v. Suckle;* and *Bottone v. Lindsley.*

1. Wherefore Judge Honda's illegal Dec. 27, 1984 "Protective Order for Defendants" was designed for deceptive exclusion and condoned/aided/contributorily perpetrated by Hawaii Supreme Court invokement of the Jurisdiction of the Court; wherein JCY pled true, well enough for redress as true "Pro Se" Plaintiff Appellant, without aid of any persons anywhere; for fair competition too.

2. Proper use of "protective orders" should be for real protection as, of/for JCY, who pled true for need of protection against harassment by Respondents' distorted defraudment, used for illegal gain by Respondents as AAY; or Hogan worse, who was the neglectful villain who caused most grievances of JCY, who should collect, not pay Hogan, and the illegal opposition attorneys who broke the Rules, and should pay JCY, whose "Demand for Jury Trial" filed 9/11/84 prevents any "dismissals/denials", "Orders-/Judgments" of 55 issues reserved for Jury Trial that could include the issue of Defaults; unfairly dismissed by Judge Honda; although scheduled for Proof Hearing in Judge Chun's Court, whereof JCY's "Request for Entry of five (5) Defaults was proper, according to *Rules,* since the Oct. 11, 1984 (heard Sept. 18, 1984) "sua sponte dismissal" was illegal per *Rules.*

3. Hawaii's use of "protective orders" illegally; is a mockery of LAW, and the useage of the Court system in America; causing much wasted moneys spent on "Neighborhood Justice Boards" evident in Hawaii because the Courts are in violation of the *14th Amendment.**

4. JCY never harassed the Respondents, but they are still liable for redress of JCY, per *Jillson v. Caprio-Rulings*[1], and all *Rulings* (APP. 2) wherefore the John Hancock team lawyers found they were wrong in their Counterclaim of "frivolity" "LIBEL", and should pay JCY restitution; wherefore they instead (now proven) Motioned for the Protective Orders to hide their error and confuse the issue; aided by Judge Honda's conflicted bias which adds to JCY's actual loss of one million, nine hundred forty-two thousand, nine hundred eighty-four dollars, sixty-nine cents to March 14, 1984 ($1,942,984.69), claimed by Petitioner JCY; as in APP. 10 of 2/14/85 Opening Brief, filed in Hawaii Supreme Court, case #10354.[2]

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*with exceptions, as Soong and Smith, pled.

[1] and *In Re: Ledwith v. International Paper Co.* and *May Hosiery mills v. U.S. Dist. Crt.; for Montana*

[2] HSC, "ICR", p. 303-388.

5. With this, JCY should not be coerced as victim again, and prays for use of *Hawaii Rules of Appellate Procedure, Rule 41(a)*;[1] for automatic Injunction/Stay; and against Respondent Hogan's conflict debt coercion, which Hogan's lawyer Crowley contributed to (App. 11) for unfair coerced debt interest accumulation, but Respondent Robert Hogan is still liable to JCY, victim.

6. Any instigator or perpetrator Judiciary involved, is not immune[2]; because of perjured, obstructive, malpractice conflicted intent, which compounds the damages incurred by Respondents.

7. Because of this, prayers are for inclusion of Certified Record on Appeal sent together with this Petition; for use for best Review for Petitioner JCY, as minority Chinese-American.

8. JCY prays also, for incorporation of any better explanations and pleas, in JCY's "motion for recusal of nine member justices of this U.S. Supreme Court, with respect; for this case", and with reason and probable cause for "due process" clause.

C. The *U.S. CONSTITUTION's First, Fourth, Fifth, and Fourteenth Amendments,* grants any American the rights for equal protection of the Law, for any American's truths to have equal right to be considered, and as the "Record on Appeal", without unfair deletions or confiscations, by conflicted Courts and opposition Lawyers' conflicts of poor sportsmanship or treason.

1. the Dec. 27, 1984 Order(s) prove Respondents and Attorneys and the Hawaii judiciary involved who proved prejudiced liability unconstitutionality, which invoked the Jurisdiction of the Court, and *Constitution*(s).

2. Judge Honda instigated deletion and distorted Court Records, which Hawaii Supreme court perpetrated for suppression/oppression by perjured malpractice obstruction (pled) by 55 violations for injury of Janice Ching Yee, who Complained for redress/recovery/relief; and feels victimized worse, traumatically.

a. The Respondents, their Attorneys, and Judiciary involved because of this, also committed criminal felony, and should be prosecuted, and brought up to the Grand Jury too.

b. Respondents and involved Contributory Respondents perjured.[3]

c. This includes the enslaving NOTES A & B[4] as another "Question" of Constitutionality so long not answered or acted upon by "Reviewers".

[1] APP. 3. [4] APP. 5.

[2] see Additional *Ruling* Relied On, APP. 2; *Stump v. Sparkment, Vickens v. Motta; Bradley v. Fisher,* and all *Rulings,* especially *People v. Winters.*

[3] in violation of Lawyer, Judicial Oath; or "Pledge of Allegiance" to America.

D. This U.S. Supreme Court could determine this Case, because of present exceptional circumstances beyond JCY's, or Hawaii's control(?).

1. These circumstances pled, warrant the exercise of this Court's discretionary powers, because of Hawaii's administration's prejudice conflict; adequate relief cannot be had in any other form, or from any other Court in Hawaii; even with Jury Trial demanded, proven.

2. JCY proved therefore, Hawaii's Supreme Court[1] as Court of last resort, decided:

a. by "orders/judgments" appended in APPENDIX 1*, that "it is in conflict with the decisions" of every RULING appended for its use in APPENDIX 2 here, "of another State Court of last resort or of a Federal Court of Appeals".

b. by "orders/judgments" appended in APP. 1*, that it is against the important questions of Constitutional Law presented by JCY in Opening Brief's part V. QUESTIONS PRESENTED FOR REVIEW, DECISION; appended here as APPENDIX 10; and these *QUESTIONS* should be settled by the Court, against Hawaii Supreme Court's unconstitutional handling of these QUESTIONS "in a way in conflict with applicable decisions of this Court".

3. With this for REVIEW, Petitioner prays for this Court's determination, and that it "will be in aid of this Court's Jurisdiction" of cases of so much injury, with over 10 years of delayed redress for one of America's good citizens, who prays for Court Order for redress/recovery/relief of Petitioner Pro Se, once and for all; with consideration for Order for most redress deemed just and equitable by this Court.

4. For, with this, any and all Court Records from any Court, can be certified and sent to this Court for full, proper determination.

5. With this, Petitioner prays for REVIEW, and RELIEF

DETERMINATION, in accordance with *This Court's RULES, Rule 17(1)(b and c)* and *Rule 26; and 28 USC, Chapter 133, section 2106;* for this Court's best "REVIEW", "GRANT", and "ORDER", for "DETERMINATION".

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*with exception for Judge Soong's order, per APP. 7, and APP. 1-B-3.

[1] see *Bottone v. Lindsey*; App.2 and all RULINGS.

6. Only as last resort, JCY prays for Review, Grant, and Order, demanding the Hawaii Supreme Court void its "Orders"; and Grant JCY's APPEAL, and Grant JCY's "Motion for Order for Permanent, Preventive, Mandatory Injunction" and "Motion for Order to Include" any New Contributory "Defendants-Appellees", including the Contributory Hawaii Supreme Court members for unconstitutionality intent; and demanding Hawaii Supreme Court remand JCY's case to Hawaii Circuit Court for impartial Jury Trial, and/by *one* new Judge for JCY's case with Janice Ching Yee as true Petitioner Pro Se.

X. CONCLUSION

In CONCLUSION, Petitioner Janice Ching Yee prays first for DETERMINATION by this Court, as pled in part D. of these ARGUMENTS, with prayers for this Court to do this, for good Conclusion for this Case, for betterment of *Constitutional Law* in America.

(Mrs) Janice Ching Yee

(Mrs.) Janice Ching Yee, Petitioner Pro Se
at: 3169 Alika Ave., Honolulu, HI 96817
Phone: 808-595-3426

Dated, April 15, 1985

NO. 84-________

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1984

In Re: Janice Ching Yee,
Petitioner Pro Se
v.
Betty Vitousek; Edward Chun; Robert Hogan; Alfred A. Yee, and Alfred A. Yee & Associates, Inc.; Bobby Kau, John S. Williamson, and the John Hancock Mutual Life Ins. Co.; ET AL;
Respondents.+

AFFIDAVIT OF PETITIONER PRO SE

As Affiant, I Janice Ching Yee, am the person who executed the foregoing instrument, and reside at 3169 Alika Avenue, Honolulu, Hawaii, 96817.

I do solemnly swear that as privileged Petitioner Pro Se in this Court, I will conduct myself uprightly and according to Law, and that I will support the **Constitution of the United States.**

I have read the same and know the contents thereof, where same JCY never intends frivolity, perjury, or delay.

The matters stated therein are true to my knowledge, except such matters as are stated to be upon information and belief, and to those matters, I believe them to be true.

/s/ (Mrs.) Janice Ching Yee
(Mrs.) Janice Ching Yee, Petitioner Pro Se
at: 3169 Alika Ave. Hon. HI 96817

Subscribed, and sworn to, before me,
this 27th day of March, 1985.

/s/ Ellen Ono
Notrary Public, First Judicial Circuit
State of Hawaii

My commission expires: 12/27/86

+per cover.

APPENDICES

Office of the Chief Clerk of the Supreme Court
The Judiciary — State of Hawaii
Herman Lum, Chief Justice

March 8, 1985

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

Dear Mrs. Yee: Re: S.C.No. 10354/Yee vs Vitousek

I have been instructed to inform you that the court will be taking no action on the "Affidavited Objection to the 2/28/85 Ordered Denial of 'Motion for Reconsideration' and 'Motion for Recusal' of Conflicted Judiciary," which you filed in the above-entitled case on March 4, 1985. Pursuant to Rule 40(e) of the Hawaii Rules of Appellate Procedure, a motion for reconsideration may be filed only once. However, a copy of the Objection will be retained in the supreme court file for our records.

Similarly, the "Affidavited Notice to Hawaii State Attorney General, Re: Question of Constitutionality of Statute" submitted by you after the filing of the above Objection will likewise not be acted upon by the court, nor will it be file-stamped. A received copy will however be placed in the supreme court file.

Very truly yours,
s/s Samuel K. Makekau
Samuel K. Makekau
Chief Clerk

(cc: all parties involved, not noted here).

WILLIAM C. McCORRISTON 995-0
Goodsill Anderson Quinn & Stifel
1600 Castle & Cooke Building
130 Merchant Street
Honolulu, Hawaii 96813
Telephone: 547-5600
Attorney for Defendant
EDWARD CHUN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 AUG 6 AM 10:56
M. KAWAMOTO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,
vs.
JOHN HANCOCK, MUTUAL LIFE INSURANCE COMPANY, JOHN S. WILLIAMSON, BOBBY KAU, ALFRED YEE, GUNZI IZUMOTO, in his capacity as Chief Clerk of the First Circuit Court, BETTY VITOUSEK, in her capacity as Judge of the Family Court of the First Circuit, EDWARD CHUN, and ROBERT HOGAN,
Defendants.

CIVIL NO. 83013
ORDER GRANTING DEFENDANT EDWARD CHUN'S MOTION FOR JUDGMENT ON THE PLEADINGS AND JUDGMENT

ORDER GRANTING DEFENDANT EDWARD CHUN'S MOTION FOR JUDGMENT ON THE PLEADINGS AND JUDGMENT

This matter having come on for hearing on July 26, 1984, before the Honorable Edwin Honda upon Defendant Edward Chun's Motion for Judgment on the Pleadings, and the court having considered the memoranda submitted by the parties and arguments of their counsel, and good cause appearing therefor

IT IS HEREBY ORDERED that Defendant Edward Chun's Motion for Judgment on the Pleadings is granted. Accordingly, judgment is hereby entered in favor of Defendant Edward Chun and against Plaintiff Janice Ching Yee.

DATED: Honolulu, Hawaii, August 3, 1984.

/s/ Edwin H. Honda
Judge of the above-entitled Court

APPROVED AS TO FORM:

/s/ Melvin Wong
Melvin Wong
Attorney for Plaintiff

/s/ Jean K. Chiogioji
Jean K. Chiogioji
Attorney for Defendants
Gunji Izumoto and
Betty Vitousek

1st CIRCUIT COURT
STATE OF HAWAII
FILED
AUG. -6 AM 10:56

M. KAWAMOTO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. JOHN HANCOCK MUTUAL LIFE INSURANCE CO. et al., Defendants.	Civ No 83013 NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER

Pursuant to the provisions of the Hawaii Rules of Civil Procedure, Rule 77(d), NOTICE IS HEREBY GIVEN of the entry of an ORDER GRANTING DEFENDANT EDWARD CHUN'S MOTION JUDGMENT ON THE PLEADINGS AND JUDGEMENT in the above-entitled cause.

DATED: Honolulu, Hawaii, August 6, 1984

Copies mailed to:
(at last known address)
1. Plaintiff
   % Melvin Wong
2. Deft. Edward Chun
   % William C. McCorriston
3. Defts Gunji Izuomot and Betty Vitousek
   % Jean K. Chiogioji

BY ORDER
OF THE COURT

Clerk of the
above-entitled Court

MICHAEL A. LILLY 1681
Attorney General
State of Hawaii

JEAN K. CHIOGIOJI 2684
Deputy Attorney General
State of Hawaii

Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813
Telephone: 548-4740

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
1984 AUG -30 PM 2:33
S. IKEDA
CLERK

Attorneys for Defendants Gunji Izumoto and Betty Vitousek

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,
vs.
JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, et al.,
Defendants.

CIVIL NO. 83013

ORDER GRANTING MOTION TO DISMISS

ORDER GRANTING MOTION TO DISMISS

This matter having come on for hearing on July 26, 1984 before the Honorable Edwin H. Honda, Judge of the above-entitled court, on the Motion to Dismiss of Defendants Gunji Izumoto, Chief Clerk of the First Circuit and the Honorable Betty Vitousek, Judge of the Family Court of the First Circuit, with Jean K. Chiogioji, Deputy Attorney General, attorney for Defendants Izumoto and Vitousek, William C. McCorriston, attorney for Defendant Edward Y.C. Chun, Melvin Wong, attorney for Plaintiff Janice Ching Yee and Plaintiff Yee present; and

The Court having fully considered the record and files herein, the memoranda submitted by the parties and the arguments of counsel for Plaintiff and Defendants Izumoto and Vitousek;

IT IS HEREBY ORDERED that Defendants Izumoto and Vitousek's motion to dismiss be and the same is hereby granted and that judgment be entered dismissing Defendants Izumoto and Vitousek from the Complaint in this action.

DATED: Honolulu, Hawaii, August 23, 1984.

/s/ Edwin H. Honda
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AND SO ORDERED:

MELVIN WONG
Attorney for Plaintiff

WILLIAM C. McCORRISTON
Attorneyfor Edward Y.C. Chun

CHARLES H. WITHERWAX
WILLIAM SCHMIDT
Attorneys for Defendants
John S. Williamson and Bobby Kau

EDWARD Y.C. CHUN
Attorney for Defendant
Alfred Yee

WILLIAM L. FLEMING
STEPHEN B. MacDONALD
THOMAS E. CROWLEY
Attorneys for Defendant
Robert Hogan

CHARLES H. WITHERWAX
A Law Corporation
CHARLES H. WITHERWAX 1115-0
WILLIAM SCHMIDT 2605-0
1420 Davies Pacific Center
841 Bishop Street
Honolulu, Hawaii 96813
Telephone No.: (808) 524-8833

S. IKEDA
CLERK

Attorneys for Defendants
JOHN S. WILLIAMSON & BOBBY KAU

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,
vs.
JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, JOHN S. WILLIAMSON, BOBBY KAU, ALFRED YEE, GUNZI IZUMOTO, in his capacity as Chief Clerk of the First Circuit Court, BETTY VITOUSEK, in her capacity as Judge of the Family Court of the First circuit, EDWARD CHUN, and ROBERT HOGAN,
Defendants.

CIVIL NO. 83013

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF AND PLAINTIFF'S MOTION TO REPRESENT HERSELF PRO SE AND FOR AN EXTENSION OF TIME

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF AND PLAINTIFF'S MOTION TO REPRESENT HERSELF PRO SE AND FOR AN EXTENSION OF TIME

The Motions of MELVIN WONG to withdraw as counsel for Plaintiff, Plaintiff's Motion to represent herself Pro Se and for an extension of time to file an Amended Complaint having come on for hearing before this Court on August 14, 1984, Plaintiff, Plaintiff's attorney MELVIN WONG and CHARLES H. WITHERWAX attorney for Defendants JOHN S. WILLIAMSON and BOBBY KAU, having appeared and argued the same, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that attorney WONG's Motion to withdraw and Plaintiff's Motion to Represent Herself Pro Se and for an extension of time to file an Amended Complaint be and the same hereby are granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall have until September 13, 1984 to file an Amended Complaint herein.

DATED: Honolulu, Hawaii, August 17, 1984.

SEAL

Edwin H. Honda
JUDGE OF THE ABOVE-ENTITLED COURT

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
THOMAS E. CROWLEY 1753-0
CADES SCHUTTE FLEMING
& WRIGHT
1000 Bishop Street
Honolulu, Hawaii 96813
Telephone: 521-9200

Attorneys for Defendant
ROBERT HOGAN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 SEPT. 27 AM 10:45

B. CHO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, JOHN S. WILLIAMSON, BOBBY KAU, ALFRED YEE, GUNZI IZUMOTO, in his capacity as Chief Clerk of the First Circuit Court, BETTY VITOUSEK, in her capacity as Judge of the Family Court of the First Circuit, EDWARD CHUN, and ROBERT HOGAN,
Defendants.

CIVIL NO. 83013

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR SUMMARY JUDGMENT

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR SUMMARY JUDGMENT

Defendant ROBERT HOGAN's Motion for Summary Judgment having come on before the Honorable Richard Y.C. Au, Judge of the first Circuit Court of the State of Hawaii, on Friday, September 14, 1984 at 2:30 P.M., Thomas E. Crowley appearing for Defendant ROBERT HOGAN, William C. McCorriston appearing for Defendant EDWARD CHUN, and JANICE CHING YEE appearing Pro Se, the Court having reviewed the memoranda submitted by the parites, having heard the oral arguments at the hearing on the Motion, and being otherwise fully apprised in the premises, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant ROBERT HOGAN's Motion for Summary Judgment is granted, but that Defendant ROBERT HOGAN's request for reasonable attorney's fees and costs incurred by him is denied.

DATED: Honolulu, Hawaii, September 24, 1984.

(SEAL) R. AU
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM AND CONTENT:

JANICE CHING YEE with objection!
Plaintiff Pro Se

WILLIAM C. McCORRISTON
Attorney for Defendant
EDWARD CHUN

JEAN K. CHIOGIOJI
Deputy Attorney General
Attorney for Defendants
GUNJI ISUMOTO and
BETTY VITOUSEK

CHARLES H WITHERWAX
Attorney for Defendants
JOHN S. WILLIAMSON and
BOBBY KAU

WARREN PRICE, III
Attorney for Defendant
JOHN HANCOCK LIFE INSURANCE CO.

EDWARD Y.C. CHUN
Attorney for Defendant
ALFRED A. YEE

1ST CIRCUIT COURT
STATE OF HAWAII
FILED
1984 SEP 27 AM 10:45
B. CHO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, et al., Defendant.	CIV NO 83013 NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER

Pursuant to the provision of the Hawaii Rules of Civil Procedure, Rule 77(d), NOTICE IS HEREBY GIVEN of the entry of an ORDER GRANTING DEFENDANT ROBERT HOGAN's MOTION FOR SUMMARY JUDGMENT in the above-entitled cause.

DATED: Honolulu, Hawaii, September 27, 1984.

BY ORDER
OF THE COURT

R.S. Yamada (SEAL)
Clerk of the
above-entitled Court

Copies mailed to:
(at last known address)
1. Plaintiff
   % Janice Ching Yee
2. Deft. Robert Hogan
   % Thomas E. Crowley
3. Deft. Edward Chun
   % William C. McCorriston

WILLIAM L. FLEMING 995-0
Goodsill Anderson Quinn & Stifel
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Telephone: 547-5600

Attorney for Defendant
EDWARD Y.C. CHUN

1st CIRCUIT COURT
STATE OF HAWAII
FILED

1984 OCT 11 PM 12:12

B. NAKAMEAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff Pro Se.

vs.

BETTY VITOUSEK; EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, and ALFRED A. YEE & ASSOCIATES, INC; BOBBY KAU, JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA, THE HAWAII STATE BAR ASSOCIATION involved members, JUNG LOWE, DAN HEELY, and, THE HAWAII JUDICIAL QUALIFICATIONS COMMISSION OF 1978; ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CRANE, and deceased, exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV. GEORGE ARIYOSHI; BARRY RUBIN; DONALD TSUKIYAMA; RICHARD LEE; WALTER HEEN; UNITED STATES COURT OF APPEALS JUDGES: ALFRED GOODWIN, OTTO SKOPIL, HARRY PREGERSON, and, WARREN FERGUSON; HAWAII'S UNITED

CIVIL NO. 83013

ORDER DENYING PLAINTIFF's MOTION FOR RELIEF FROM VARIOUS ORDERS, MOTION FOR SUMMARY JUDGMENT, AND MOTION FOR NEW TRIAL AND ORDER GRANTING DEFENDANTS' JOINT MOTION TO DISMISS AMENDED COMPLAINT

STATES DISTRIC COURT JUDGES:
SAMUEL KING, MARTIN PENCE,
and, HAROLD FONG; HAWAII'S
U.S. DISTRICT ATTORNEYS
DANIEL BENT, and, FRANK
WILSON; UNITED STATES
SUPREME COURT;
Defendants

ORDER DENYING PLAINTIFF'S MOTION FOR RELIEF FROM VARIOUS ORDERS, MOTION FOR SUMMARY JUDGMENT, AND MOTION FOR NEW TRIAL AND ORDER GRANING DEFENDANTS' JOINT MOTION TO DISMISS AMENDED COMPLAINT

This matter having come on for hearing on September 18, 1984 before the Honorable Edwin H. Honda upon the following motions:

(1) Plaintiff's Motion for Relief from Order Granting Defendant Chun's Motion for Judgment on the Pleadings and Judgment;

(2) Plaintiff's Motion for Relief from Order Granting Defendants Izumoto and Vitousek's Motion to Dismiss;

(3) Plaintiff's Motion for New Trial;

(4) Plaintiff's Motion for Summary Judgment for Plaintiff Pro Se; and

(5) Defendants' Joint Motion to Dismiss Plaintiff's Amended Complaint or, in the alternative, for the Court *sua sponte* to dismiss the Amended Complaint, which was made orally at the hearing aforesaid.

The Court having considered the memoranda filed by counsel and plaintiff *pro se* and having considered the arguments of counsel and plaintiff *pro se* at the hearing;

The Court having further considered and taken judicial notice of the various state court and federal court orders adduced by defendants which have adjudicated plaintiff's claims against her in other proceedings which arise out of her divorce and which direct court clerks not to receive further pleadings which regard plaintiff's divorce proceedings;

The Court being satisfied that the allegations being made in the Amended Complaint relate to and arise out of plaintiff's divorce proceedings and the Amended Complaint does not materially differ from the actions previously filed by plaintiff in other state and federal court proceedings which have been adjudicated against her; and

The Court being mindful that by Order dated November 18, 1975, the Supreme Court of the State of Hawaii ordered its clerk not to accept further pleadings from plaintiff "... in order that appellannt (Plaintiff) may not abuse the judicial process."

IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff's motions hereinabove described in number paragraphs (1) through (4) be and hereby are DENIED;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' Joint Motion to Dismiss the Amended Complaint filed by Plaintiff on September 11, 1984, be and hereby is GRANTED as to all defendants named in the Amended Complaint.

DATED: Honolulu, Hawaii, September 28, 1984.

Edwin H. Honda
Judge of the above-entitled Court
SEAL

APPROVED AS TO FORM:

Edward Y.C. Chun
Attorney for Defendant
Alfred Yee and Alfred
A. Yee & Associates, Inc.

Thomas E. Crowley
Attorney for Defendant
Robert Hogan

Charles H. Witherwax
Attorney for Defendants
John S. Williamson and
Bobby Kau

Michael Chun
Attorney for Federal
Defendants

Jean K. Chiogioji
Attorney for State Defendants

Warren Price, III
Attorney for Defendant
John Hancock Life Insurance Co.

APPROVED AS TO FORM:

Objection to fact; see Motion to Vacate the Judgment,
filed September 21, 1984
Janice Ching Yee
Plaintiff Pro Se

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 OCT 11 PM 1:20
B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE, Plaintiff Pro Se, vs. BETTY VITOUSEK, et al., Defendants.	CIV NO 83013 NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER

Pursuant to the provisions of the Hawaii Rules of Civil Procedure, Rule 77(d), NOTICE IS HEREBY GIVEN of the entry of an ORDER DENYING PLAINTIFF'S MOTION FOR RELIEF FROM VARIOUS ORDERS, MOTION FOR SUMMARY JUDGMENT etc. in the above-entitled cause.

DATED: Honolulu, Hawaii, October 11, 1984.

Copies mailed to:
(at last known address)

BY ORDER OF THE COURT

Clerk of the
above-entitled Court

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
THOMAS E. CROWLEY 1753-0
CADES SCHUTTE FLEMING
& WRIGHT
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Attorneys for Defendant
ROBERT HOGAN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 OCT 23 PM 2:18
B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff

vs.

BETTY VITOUSEK; EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, INC.; BOBBY KAU; JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA; THE HAWAII JUDICIAL QUALIFICATIONS QUALIFICATIONS COMMISSION OF 1978; ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CRANE, and deceased, exempt WILSON CANNON, AND MITSUYUKI KIDO; STEPHANIE KOKERNAK; JARRET KO, and KWONG YEN LUM; JOHN PARKS; WILLIAM RICHARDSON, BERT KOBAYASHI, BENJAMIN MENOR; ROBERT W.B. CHANG, EDWARD NAKAMURA, and deceased exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV. GEORGE ARIYOSHI; BARRY RUBIN; DONALD TSUKIYAMA; RICHARD LEE; WALTER HEEN; UNITED

CIVIL NO. 83013

ORDER DENYING PLAINTIFF'S MOTION TO VACATE JUDGE AU'S JUDGMENT OF SEPT. 14, 1984 HEARING AND MOTION FOR SUMMARY JUDGMENT ON THE PLEADINGS FOR PLAINTIFF PRO SE JANICE CHING YEE

Motion Filed on
September 20, 1984

Motion Heard on Friday,
October 12, 1984 at 2:00
P.M. Before the
Honorable Y.C. Au

STATES COURT OF APPEALS
JUDGES: ALFRED GOODWIN, OTTO
SKOPIL, HARRY PREGERSON, and,
WARREN FERGUSON; HAWAII'S
UNITED STATES DISTRICT COURT
JUDGES: SAMUEL KING, MARTIN
PENCE, AND HAROLD FONG;
HAWAII'S U.S. DISTRICT ATTORNEYS
DANIEL BENT, and FRANK WILSON;
UNITED STATES SUPREME COURT.
Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO VACATE JUDGE AU'S JUDGMENT OF SEPT. 14, 1984 HEARING AND MOTION FOR SUMMARY JUDGMENT ON THE PLEADINGS FOR PLAINTIFF PRO SE JANICE CHING YEE

Plaintiff pro Se JANICE CHING YEE'S Motion to Vacate Judge Au's Judgment of Sept. 14, 1984 Hearing; and Motion for Summary Judgment on the Pleadings for Plaintiff Pro Se Janice Ching Yee having come on before the Honorable Richard Y5.C. Au, Judge of the First Circuit Court of the State of Hawaii, on Friday, October 12, 1984 at 2:00 P.M., Thomas E. Crowley appearing for Defendant ROBERT HOGAN, Jean Chiogioji appearing for the State Defendants, Tyler Pottenger appearing for Defendants JOHN S. WILLIAMSON and BOBBY KAU, William Ramos-Saunders appearing for Defendant EDWARD CHUN, and Plaintiff JANICE CHING YEE appearing Pro Se, the Court having reviewed the memorandum in support of the motion, having heard the oral arguments at the hearing on the motion, and being otherwise fully apprised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff Pro Se JANICE CHING YEE's Motion to Vacate Judge Au's Judgment of Sept. 14, 1984 Hearing; and Motion for Summary Judgment on the Pleadings for Plaintiff Pro Se Janice Ching Yee is hereby denied.

DATED: Honolulu, Hawaii, OCT 22, 1984.

RICHARD Y.C. AU
JUDGE OF THE ABOVE-ENTITLED COURT

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 OCT 23 PM 2:19

B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. BETTY VITOUSEK, et al., Defendants.	CIV NO 83013 NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER

Pursuant to the provisions of the Hawaii Rules of Civil Procedure, Rule 77(d), NOTICE IS HEREBY GIVEN of the entry of an ORDER DENYING PLAINTIFF'S MOTION TO VACATE JUDGE AU'S JUDGMENT OF SEPT. 14, 1984 HEARING AND MOTION FOR SUMMARY JUDGMENT ON THE PLEADINGS FOR PLAINTIFF PRO SE JANICE CHING YEE in the above-entitled cause.

DATED: Honolulu, Hawaii, October 23, 1984.

BY ORDER
OF THE COURT

S. IKEDA (SEAL)
Clerk of the
above-entitled Court

Copies mailed to:
(at last known address)
1. Janice Ching Yee
   3169 Alika Avenue
   Honolulu, HI 96817
2. Deft. Robert Hogan
   % William L. Fleming

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
THOMAS E. CROWLEY 1753-0
CADES SCHUTTE FLEMING
& WRIGHT
1000 Bishop Street
Honolulu, Hawaii 96813
Telephone: 521-9200

Attorneys for Defendant
ROBERT HOGAN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 OCT. 23 PM 2:21

B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

BETTY VITOUSEK; EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, INC.; BOBBY KAU; JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA; THE HAWAII STATE BAR ASSOCIATION involved members, JUNG LOWE, DAN HEELY, and, THE HAWAII JUDICIAL QUALIFICATIONS COMMISSION OF 1978; ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CRANE, and deceased, exempt WILSON CANNON, and MITSUYUKI KIDO; STEPHANIE KOKERNAK, JARRET KO, and KWONG YEN LUM; JOHN PARKS; WILLIAM RICHARDSON, BERT KOBAYASHI, BENJAMIN MENOR; ROBERT W.B. CHANG, EDWARD NAKAMURA, and deceased exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV.

CIVIL NO. 83013

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION TO ALTER ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR SUMMARY JUDGMENT

Motion Filed on
October 5, 1984

Motion Heard on Friday,
October 12, 1984 at
2:00 P.M. Before the
Honorable Richard Y.C. Au

GEORGE ARIYOSHI; BARRY
RUBIN; DONALD TSUKIYAMA;
RICHARD LEE; WALTER HEEN;
UNITED STATES COURT OF
APPEALS JUDGES: ALFRED GOODWIN, OTTO SKOPIL HARRY
PREGERSON, and, WARREN
FERGUSON; HAWAII'S UNITED
STATES DISTRICT COURT JUDGES:
SAMUEL KING, MARTIN PENCE,
and HAROLD FONG; HAWAII'S U.S.
DISTRICT ATTORNEYS DANIEL
BENT, AND FRANK WILSON;
UNITED STATES SUPREME COURT.
Defendants.

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION TO ALTER ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR SUMMARY JUDGMENT

Defendant ROBERT HOGAN'S Motion to Alter Order Granting Defendant Robert Hogan's Motion for Summary Judgment having come on before the Honorable Richard Y.C. Au, Judge of the First Circuit Court of the State of Hawaii, on Friday, October 12, 1984 at 2:00 P.M., Thomas E. Crowley appearing for Defendant ROBERT HOGAN, Jean Chiogioji appearing for the State Defendants Tyler Pottenger appearing for Defendants JOHN S. WILLIAMSON and BOBBY KAU, William Ramos-Saunders appearing for Defendant EDWARD CHUN, and Plaintiff JANICE CHING YEE appearing Pro Se, the Court having reviewed the memorandum in support of the motion, having heard the oral arguments at the hearing on the motion, and being otherwise fully apprised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant ROBERT HOGAN'S Motion to Order Granting Defendant ROBERT HOGAN'S Motion to Order Granting Defendant Robert Hogan's Motion for Summary Judgment is hereby granted and Defendant ROBERT HOGAN is awarded his reasonable attorneys' fees in the amount of $4,763,75 and his costs of Court in the amount of $86.08 for a total award of attorneys' fees and costs in the amount of $4,849.83.

DATED: Honolulu, Hawaii, OCT 22, 1984.

RICHARD Y.C. AU
JUDGE OF THE ABOVE-ENTITLED COURT

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 OCT 23 PM 2:32

B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE Plaintiff, vs. BETTY VITOUSEK, et al., Defendants.	CIV NO 83013 NOTICE OF ENTRY OF ORDER

NOTICE OF ENTRY OF ORDER

Pursuant to the provisions of the Hawaii Rules of Civil Procedure, Rule 77 (d), NOTICE IS HEREBY GIVEN of the entry of an ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION TO ALTER ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR SUMMARY JUDGMENT in the above-entitled cause.

DATED: Honolulu, Hawaii, October 23, 1984.

BY ORDER
OF THE COURT

S. IKEDA
SEAL
Clerk of the
above-entitled Court

Copies mailed to:
(at last known address)

1. Janice Ching Yee
   % 3169 Alika Avenue
   Honolulu, HI 96817
2. William L. FLeming, Esq.
   Thomas E. Crowley, Esq.
3. Jean Chiogioji, Esq.
4. Tyler Pottenger, Esq.
5. William Ramos-Saunders, Esq.

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
THOMAS E. CROWLEY 1753-0
CADES SCHUTTE FLEMING
& WRIGHT
1000 Bishop Street
Honolulu, Hawaii 96813
Telephone: 521-9200

Attorneys for Defendant
ROBERT HOGAN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 OCT. 29 AM 11:04
B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, JOHN S. WILLIAMSON, BOBBY KAU, ALFRED YEE, GUNZI IZUMOTO, in his capacity as Chief Clerk of the First Circuit Court, BETTY VITOUSEK, in her capacity as Judge of the Family Court of the First Circuit, EDWARD CHUN, and ROBERT HOGAN,
Defendants.

CIVIL NO. 83013

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR MORE DEFINITE STATEMENT

Motion Filed
July 9, 1984

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR MORE DEFINITE STATEMENT

Upon review of Defendant Robert Hogan's Motion for More Definite Statement filed herein on July 9, 1984 and the subsequent relevant memoranda filed on July 16, 1984 and July 20, 1984, respectively, and good cause appearing therefor;

IT IS HEREBY ORDERED that said Motion for More Definite

Statement is granted and Plaintiff is directed to comply with Rule 12(e) of the Hawaii Rules of Civil Procedure which requires that said More Definite Statement be filed within 10 days of the Notice of Entry of the Order herein.

DATED: Honolulu, Hawaii, OCT 29, 1984

SEAL

PHILIP T. CHUN
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM AND CONTENT:

/s/ Janice Ching Yee
JANICE CHING YEE
Plaintiff Pro Se

/s/ Edward Y.C. Chun
EDWARD Y.C. CHUN
Attorney for Defendant

/s/ William C. McCorriston
WILLIAM C. McCORRISTON
Attorney for Defendant
EDWARD CHUN

/s/ Warren Price
WARREN PRICE, III
Attorneys for Defendants
JOHN HANCOCK LIFE
INSURANCE COMPANY

/s/ Charles H. Witherwax
CHARLES H. WITHERWAX
Attorney for Defendants
John S. Williamson and
Bobby Kau

JEAN K. CHIOGIOJI
Attorney for Defendants
Gunji Izumoto and
Betty Vitousek

DATE: September 6, 1984

CIVIL # 83013

NAME: JANICE YEE vs. JOHN HANCOCK MUTUAL LIFE INS.

MOTION: MOTION FOR MORE DEFINITE STATEMENT

DATE FILED: 7/9/84

TO: ATTY: TEC
CADES SCHUTTE FLEMING

ATTY: MELVIN WONG

ATTY: EDWARD CHUN
CHUN KERR DODD

ATTY: WILLIAM McCORRISTON
GOODSILL ANDERSON QUINN

Based upon due consideration of the motion and/or memorandum filed in this matter and for good cause shown, this Court hereby:

☒ GRANTS THE MOTION
☐ DENIES THE MOTION
☐ OTHER: ____________________

/s/Randall Yee
Law Clerk

* The prevailing party is to prepare the order and circulate for signature. Please indicate the file marked date of the motion on the order.

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
THOMAS E. CROWLEY 1753-0
CADES SCHUTTE FLEMING
& WRIGHT
1000 Bishop Street
Honolulu, Hawaii 96813
Telephone: 521-9200

Attorneys for Defendants
ROBERT HOGAN and
HAROLD W. NICKELSEN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 NOV. 14 PM 3:49
H. SETO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

BETTY VITOUSEK, EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, INC.; BOBBY KAU; JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA; THE HAWAII STATE BAR ASSOCIATION involved members, JUNG LOWE, DAN HEELY, and, THE HAWAII JUDICIAL QUALIFICATIONS COMMISSION OF 1978; ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CRANE, and deceased, exempt WILSON CANNON, and MITSUYUKI KIDO; STEPHANIE KOKERNAK; JAERRET KO, and KWONG YEN LUM; JOHN PARKS; WILLIAM RICHARDSON, BERT KOBAYASHI, BENJAMIN MENOR; ROBERT W.B. CHANG, EDWARD NAKAMURA, and

CIVIL NO. 83013

JUDGMENT

Affecting the following property:

TCT No. 264,217 issued to JANICE CHING YEE, unmarried as to an undivided two-thirds (⅔) interest

TCT No. 152, 395 issued to JANICE CHING YEE, wife of Alfred Alphonse Yee

deceased exempt THOMAS OGATA;
ARTHUR FONG; JAMES BURNS;
GOV. GEORGE ARIYOSHI; BARRY
RUBIN; DONALD TSUKIYAMA;
RICHARD LEE; WALTER HEEN;
UNITED STATES COURT OF
APPEALS JUDGES: ALFRED
GOODWIN, OTTO SKOPIL, HARRY
PREGERSON, and, WARREN
FERGUSON; HAWAII'S UNITED
STATES DISTRICT COURT JUDGES:
SAMUEL KING, MARTIN PENCE,
and HAROLD FONG; HAWAII'S U.S.
DISTRICT ATTORNEYS DANIEL
BENT, and FRANK WILSON; UNITED
STATES SUPREME COURT.
Defendants.

JUDGMENT

Pursuant to Order Granting Defendant Robert Hogan's Motion to Alter Order Granting Defendant Robert Hogan's Motion for Summary Judgment, filed herein on October 23, 1984, in favor of Defendant ROBERT HOGAN and against Plaintiff JANICE CHING YEE, and awarding attorneys' fees in the amount of $4,763.75 and costs of Court in the amount of $86.08 for a total award of attorneys' fees and costs in the amount of $4,849.83,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment be and the same is hereby entered in favor of Defendant ROBERT HOGAN and against Plaintiff JANICE CHING YEE in the amount of $4,849.83.

DATED: Honolulu, Hawaii, November 7, 1984.

/s/Richard Y.S. Au
RICHARD Y.S. AU
JUDGE OF THE ABOVE-ENTITLED COURT

SEAL

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 NOV 14 PM 3:54
H. SETO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,
vs.
BETTY VITOUSEK, et al.,
Defendants.

CIV NO 83013

NOTICE OF ENTRY OF JUDGMENT

NOTICE OF ENTRY OF JUDGMENT

Pursuant to the provisions of the Hawaii Rules of Civil Procedure, Rule 77(d), NOTICE IS HEREBY GIVEN of the entry of JUDGMENT in the above-entitled cause.

DATED: Honolulu, Hawaii, November 14, 1984.

Copies mailed to:
(at last known address)
1. Janice C. Yee
   3169 Alika Ave.
   Honolulu, HI 95817
2. Defts. Hogan & Nickelsen
   % William L. Fleming

BY ORDER OF
THE COURT

/s/ R.S. Yamada
Clerk of the
above-entitled Court

1st CIRCUIT COURT
STATE OF HAWAII
RECEIVED AND FILED
December 5, 1984, 3 PM

L. Sprout
Clerk, Second Division

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, JOHN S. WILLIAMSON, et al., Defendants.	CIVIL NO. 83013 ORDER DENYING MOTION FOR NEW TRIAL, ORDER DENYING MOTION FOR RELIEF, AND ORDER DENYING MOTION TO STAY THE JUDGMENT AND FOR OTHER RELIEF

ORDER DENYING MOTION FOR NEW TRIAL, ORDER DENYING MOTION FOR RELIEF, AND ORDER DENYING MOTION TO STAY THE JUDGMENT AND FOR OTHER RELIEF

Upon a reading of Plaintiff's Motion for New Trial and Motion for Relief from Judgment, filed November 20, 1984, and Motion to Stay the Judgment and for other relief, filed October 16, 1984, and the Court having fully considered the same;

NOW THEREFORE, IT IS HEREBY ORDERED that the motions are hereby denied without a hearing.

DATED: Honolulu, Hawaii, December 5, 1984.

/s/Richard Y.S. Au
RICHARD Y.S. AU
JUDGE OF THE ABOVE-ENTITLED COURT

SEAL

WILLIAM C. McCORRISTON 995-0
Goodsill Anderson Quinn & Stifel
1600 Castle & Cooke Building
130 Merchant Street
Honolulu, Hawaii 96813
Telephone: 547-5600

Attorney for Defendant
EDWARD Y.C. CHUN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 DEC 27 AM 11:54

B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT STATE OF HAWAII

JANICE CHING YEE,
Plaintiff Pro Se,

vs.

BETTY VITOUSEK; EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, and ALFRED A. YEE & ASSOCIATES, INC.; BOBBY KAU, JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA, THE HAWAII STATE BAR ASSOCIATION involved members, JUNG LOWE, DAN HEELY, and deceased, exempt WILSON CANNON, and MITSUYUKI KIDO; STEPHANIE KOKERNAK; JARRET KO, and, KWONG YEN LUM: JOHN PARKS; WILLIAM RICHARDSON, BERT KOBAYASHI, BENJAMIN MENOR, ROBERT W.B. CHANG, EDWARD NAKAMURA, and deceased, exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV. GEORGE ARIYOSHI; BARRY RUBIN; DONALD TSUKIYAMA; RICHARD LEE; WALTER HEEN; UNITED STATES COURT OF APPEALS JUDGES: ALFRED GOODWIN, OTTO SKOPIL, HARRY PREGERSON, and,

CIVIL NO. 83013

ORDER GRANTING AND DENYING VARIOUS MOTIONS AND GRANTING PROTECTIVE ORDER

Hearing: October 31, 1984
Hon. Edwin H. Honda

WARREN FERGUSON; HAWAII'S
UNITED STATES DISTRICT COURT
JUDGES: SAMUEL KING, MARTIN
PENCE, and, HAROLD FONG;
HAWAII'S U.S. DISTRICT ATTORNEYS
DANIEL BENT, and, FRANK WILSON;
UNITED STATES SUPREME COURT;
Defendants.

ORDER GRANTING AND DENYING VARIOUS MOTIONS AND PROTECTIVE ORDER

The following motions having come on for hearing before the Honorable Edwin H. Honda, Judge of the First Circuit Court of the State of Hawaii on Wednesday, October 31, 1984 at 10:30 a.m.:

1. Plaintiff's Motion to Vacate Judge Honda's Judgment of September 18, 1984;

2. Defendants John S. Williamson, Bobby Kau and John Hancock Mutual Life Insurance Company's Motion for Protective Order and Motion for Summary Judgment and Award of Attorneys' Fees and Costs.

3. Defendant Robert Hogan's Joinder in Defendants' John S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order;

4. Defendant Harold W. Nickelsen's Motion to Set Aside Entry of Default as to Harold W. Nickelsen;

5. Defendant Harold W. Nickelsen's Joinder in Defendants' John S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order;

6. Defendant Dr. Kwong Yen Lum's Joinder of Dr. Kwong Yen Lum in Motion to Set Aside Entry of Default and Joinder of Dr. Kwong Yen Lum in Motion for Protective Order;

7. Plaintiff's Motion to Strike Harold Nickelsen's Motion to Set Aside Entry of Default;

8. Defendants James Koshiba and the Hawaii State Bar Association's Joinder in Motion to Set Aside Entry of Default as to Harold Nickelsen;

9. Joinder of Defendant Edward Y.C. Chun in Defendants John S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order;

10. Joinder of State Defendants in Defendants John S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order; and

11. Oral Joinders of Defendant Jarret Ko in Defendants John

S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order and in the Motion to Set Aside Entry of Default as to Harold W. Nickelsen.

And M. TYLER POTTENGER appearing for defendants John S. Williamson and Bobby Kau, WARREN PRICE, III appearing for defendant John Hancock Mutual Life Insurance Company, THOMAS CROWLEY appearing for defendants Robert Hogan and Harold Nickelsen, BENJAMIN CARROLL, III appearing for defendant Dr. Kwong Yen Lum, DAVID L. FAIRBANKS appearing for defendants James Koshiba and the Hawaii State Bar Association, WILLIAM C. McCORRISTON appearing for defendant Edward Y.C. Chun, MICHAEL CHUN appearing for the Federal defendants, JEAN CHIOGIOJI appearing for the State defendants, MOLLY JO CAMPBELL appearing for defendant Jarret Ko, and plaintiff JANICE CHING YEE appearing *pro se,* the Court having reviewed the memoranda in support of and in opposition to the motions, having heard the oral arguments on the motions, and being otherwise fully apprised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff *Pro Se* Janice Ching Yee's Motion to Vacate Judge Honda's Judgment of September 18, 1984 and Motion to Strike Harold Nickelsen's Motion to Set Aside Entry of Default are hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following motions are hereby granted:

1. Defendants John S. Williamson, Bobby Kau and John Hancock Mutual Life Insurance Company's Motion for Protective Order, including all joinders therein as above noted;

2. Defendants John S. Williamson, Bobby Kau and John Hancock Mutual Life Insurance Company's Motion for Summary Judgment and Award of Attorneys' Fees and Costs with the provision that said award shall be limited to the amount of $100.00 per counsel appearing;

3. Harold Nickelsen's Motion to Set Aside Entry of Default as to Harold Nickelsen, including all joinders therein as above noted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this order shall constitute a protective order in favor of all named defendants directing the Clerk of the First Circuit Court not to accept for filing any further pleadings by Plaintif *Pro Se* Janice Ching Yee in this matter, Civil No. 83013, or in any other action involving the claims asserted herein, and directing Janice Ching Yee to refrain from attempting to file any further pleadings in Civil No. 83013 or in any other action involving the claims asserted herein. This protective order shall be effective *nunc pro tunc* as of

September 18, 1984 and any and all pleadings filed by Plaintiff *Pro Se* Janice Ching Yee since that time are ordered stricken and need not be responded to by defendants, including those who did not appear at the October 31, 1984 hearing, and/or by any potential defendants herein, including all counsel who have appeared in this action. Further, any other defaults entered or to be entered after September 18, 1984 are hereby stricken.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in addition to the above-mentioned award of attorneys' fees to defendants John S. Williamson, Bobby Kau and John Hancock Mutual Life Insurance Company, each of the other defendants who appeared at said hearing on October 31, 1984 with counsel be awarded attorneys' fees in the amount of $100.00.

DATED: Honolulu, Hawaii, December 21, 1984.

Edwin H. Honda
Judge of the above-entitled Court

FILED
1985 FEB 14 PM 2:19
Sandra N. Yasui
CLERK
SUPREME COURT

NO. 10354
IN THE SUPREME COURT OF THE STATE OF HAWAII

JANICE CHING YEE, CIVIL NO. 83013
Plaintiff-Appellant,

vs.

BETTY VITOUSEK, et al.,
Defendants-Appellees.

ORDER DISMISSING APPEAL

The record on appeal in this case was docketed on February 4, 1985. On February 13, 1985, this court approved Plaintiff-Appellant's "Affidavited Motion for Inclusion of Amended Notice of Appeal as Supplementary Record on Appeal." On February 14, 1985, Plaintiff-Appellant's opening brief was filed. From an independent examination of the record and the opening brief, it appears that the subject matter of the instant proceeding is substantially similar to the matters resolved by this court on prior appeals brought by Plaintiff-Appellant, including but not limited to Supreme Court Nos. 5903, 5924, 5930, 5943, 5949, 5969, 5970, 5971, 6008, 6102, 6529, 7067 and 7355. This court takes judicial notice of the order entered by this court on November 17, 1977, in a previous appeal brought by Plaintiff-Appellant, Supreme Court No. 6529, **Yee v. Hogan, et al.,** wherein this court, on its own motion, dismissed the appeal on the ground that this court had previously disposed of the applicable substantive issues, and wherein this court further ordred the clerk of court "not to accept any further motions, pleadings or appeals from the appellant, in this case and the substantive subject matter resolved in Supreme Court cases numbers 5943 and 5949, in order that the appellant may not further abuse the judicial process and further cause unnecessary costs and attorneys' fees . . . ." Accordingly, IT IS HEREBY ORDERED, on this court's own motion, that the instant appeal, including the "amended appeal," is dismissed with prejudice. This court does not assess attorneys' fees against Plaintiff-Appellant. Pending motions filed herein by Plaintiff-Appellant are denied as moot.

DATED: Honolulu, Hawaii, February 14, 1985.

/s/ J. Wakatsuki
/s/ Harry T. Tanaka
/s/ Leland H. Spencer
/s/ Ronald T.Y. Moon
/s/ Robert G. Klein

FILED
1985 FEB 28 AM 9:42
Sandra N. Yasui
CLERK
SUPREME COURT

NO. 10354
IN THE SUPREME COURT OF THE STATE OF HAWAII

JANICE CHING YEE, CIVIL NO. 83013
Plaintiff-Appellant,

vs.

BETTY VITOUSEK, et al.,
Defendants-Appellees.

ORDER

Upon consideration of Plaintiff-Appellant's Motion for Reconsideration and Motion for Recusal,

IT IS HEREBY ORDERED that the motions are denied.

DATED: Honolulu, Hawaii, February 28, 1985.

/s/ J. Wakatsuki
/s/ Harry T. Tanaka
/s/ Leland H. Spencer
/s/ Ronald T.Y. Moon
/s/ Robert G. Klein

APPENDIX 2: RULINGS RELIED ON

1. **Atlanta Finance Co., v. Cain: 42 Ga. App. 819, 157 S.E. 337, and per BLACK'S LAW DICTIONARY, p. 1110, (4th ed.):**

   "**Malicious Abuse of Legal Process.** Wilfully misapplying court process to obtain object not intended by law."

2. **Azar v. Conley (1972.CA6 Ohio) 456 F2d 1382, later app. CA6 Ohio) 480 F2d 220:**

   "Specific intent need not be alleged in a suit under 42 USCS #1985, clause (3); fact pleaded must merely show an "invidiously discriminatory animus" behind the conspirators' action." "While 42 USCS#1985 does not give rise to a cause of action for slander, slanderous remarks might constitute an integral part of a clause (3) conspiracy."

3. **In Re Baum, 8 NYS 771, Hun. 611, and per BLACK'S LAW DICTIONARY, p. 1111 (4th ed.) (par. 4)**

   "**Malpractice.**" "The term is occasionally applied to lawyers, and then means generally any evil practice in a professional capacity, but rather with reference to the court and its practice and process than to the client."

4. **Board of Regents v. Roth, 408 U.S. 564, 40 L.W. 5079 (1972)**

   "two recent cases decided by the Supreme Court, Board of **Regents v. Roth"** and **"Perry v. Sinderman"**. "In determining whether due process requirements apply, the Court must look to the nature of the interest at stake to determine whether it falls within the protection of liberty and property afforded by the Fifth or Fourteenth Amendment." "Moreover, the Court noted:" "where a person's good name, reputation, honor or integrity is at stake because of what the Government is doing to him, (or her)* notice and opportunity to be heard are essential". (also from **L.W. vol#44, No. 28, p. 2580)**

5. **Bottone v. Lindsley (1948 CA10 Colo) 170 F2d 705, cert den 336 US 944, 93 L Ed 1101, 69 S. Ct. 810:**

   "To make out a cause of action the state court proceedings must have been a complete nullity, with a purpose to deprive a person of his property without due process of law."

6. **Britt v. Suckle (1978) DO Tex) 453 F. Supp. 987:**

   "Fourteenth Amendment authorize Congress to legislate to prohibit a private conspiracy with purpose of denying Plaintiff equal treatment by the State Courts through attempted denials of Plaintiff's access to them."
   (USCA 1985(2) USCA Const. Amend. 14.

7. **Capital Electric Co. v. Cristaldi, D.C. Md. 157, F. Supp. 646, 648:**

   "**Malicious abuse of legal process.** The tort of "malicious abuse of process" requires a perversion of court process to accomplish some end which the process was not designed to accomplish, and does not arise from a regular use of process, even with ulterior motives."

8. **Cook & Nichol, Inc. v. Plimsoll Club; 451 F2d 505 (5th Cir. 1971):**

   Plaintiff "should not be dismissed for failure to state claim unless appears beyond doubt that Plaintiff can prove no set of facts in support of the claim which would entitle the Plaintiff to relief." **FRCP, Rule 12(b) (6) 28 USCA.**

9. **Culp v. Devlin (1977, DC Pa) 437 F. Supp. 20:**

   "While every negligent act committed under color of law will not give rise to civil rights claim under 42 USCS#1983, negligent act which amounts to deprivation of right, privilege, or immunity secured by Constitution or laws of United States is within terms of #1983."

10. **Fannie v. Chamberlain Mfg. Corp. Derry Div. (1977 DC Pa) 445 F. Supp. 65:**

    "The doctrine of Res Judicata require for its application, final judgment on the merits."

11. **Fluharty v. Fluharty, 8 WW. Harr. 487, 193, A 838, 840, and per BLACK'S LAW DICTIONARY, (4th ed.) 1951, p. 324:**

    "**Coerce.** Compelled to compliance; constrained to obedience, or submission in a vigorous or forcible manner."

12. **Gibson v. Seattle (Washington) Dept. of Police (1973) CA9 Wash) 472 F2d 1220; Johnson v. Lark (1973, DC Mo) 365 F Supp. 289:**

    "Actions brought to vindicate civil rights do not depend for jurisdiction upon whether such rights are personal as opposed to property rights."

13. **Gloss v. People. 259 Ill.332, 102 NE 763, and per BLACK'S LAW DICTIONARY (4th ed.) 1968, p. 1111:**

    "**Prejudice.** Suffering an invasion of one's legal right. Having one's pecuniary interest affected by a judgment."

14. **Gregory v. McInnis, 140 S.C. 52, 134 S.E. 527, 529, and per BLACK'S LAW DICTIONARY (4th ed.) 1968, p. 1111:**

    "**Malpractice.** Any professional misconduct, unreasonable lack of skill or fidelity in professional or judiciary duties, evil practice, or illegal or immoral conduct."

15. **Griffin v. Breckenridge, Supra 403 U.S. at 90-91, 91 S. Ct. 1790, id at 102, 91 S. Ct. 1798:**

    "The language regarding intent to deprive of equal protection or equal privileges" means that there must be some racial or perhaps otherwise class-based insidiously discriminatory animus behind the conspirators' action."

    "No 'state action' involvement need be alleged or proven for recovery under clause (3) of 42 USCS #1985; as construed, this provision is valid under the Thirteenth Amendment and (as to the travelling-on-highway subclause) the Interstate Commerce Clause."

    "Conclusion: The ultimate inequality of treatment in the courts, in Congress' language, 'the obstruction of the due course of justice', is the discrimination aimed at in the Complaint and prohibited by 1985(2)." "In this Court's view, the Plaintiff has stated a claim under 42 USC 1985(3)".

16. **Haaslam v. Morrison, 113 Utah 14, 190 P. 2d 520, and per BALLENTINE'S LAW DICTIONARY (3rd ed.) 1968:**

    "**Prejudice.** A hostile feeling or spirit of ill will, or undue friendship or favoritism, directed against one of the litigants."

17. **Hampton v. Hanrahan. (1979 CA & Ill) 600 F2d 600:**

    "Express agreement among all conspirators is not a necessary element of a civil conspiracy." "—must share general conspiratorial objective, but they need not know all details of plan designed to achieve objective or possess same motives for desiring intended conspirational result. When a Plaintiff alleges conspiracy to violate civil rights, existence or non-existence of conspiracy is essentially a factual issue that the jury, not trial judge, should decide." **42 USCA 1983 1985(3).**

18. **Head v. Timken Roller Bearing Co. (1973) (CA6 Ohio) 486 F2d 870:**

    "Action for employment discrimination involving racial discrimination may be brought under either 42 USCS#1 or Title VII of Civil Rights Act of 1964 **(42 USCS #2000e et seq.)"**

19. **Hodgins v. State. 2 Ga. 173, 176 and per BALLENTINE'S DICTIONARY (3rd ed.) 1968:**

    "**Prejudice.** An opinion formed before the facts are known or in disregard of facts."

20. **Hoffman v. Halden (1959, CA9 Or) 268 F2d 280:**

    "Under clause (2) of 42 USCS#1985 the elements of a cause of action are (1) that Defendants conspired; (2) that the purpose of the conspiracy was to impede or hinder, or obstruct or defeat the due course of justice in a state or territory; (3) with the purpose intent to deny to a citizen the equal protection of the law; (4) that the acts complained of were done under color of state law or authority, and (5) that by acts done in furtherance of the conspiracy the Plaintiff was injured in his person or property or was deprived of having and exercising a right or privilege of a citizen of the United States."

21. **Hollenback v. Hall, 103 Iowa 214, 72 NW 518, and per BALLENTINE'S DICTIONARY (3rd ed.) 1969, p. 321:**

"**Defamation, libel or slander.** The publication (as EXHIBIT J of Hawaii Family Court order) of anything which is injurious to the good name or reputation of another person or which tends to bring him (her) into disrepute."

22. **Imbler v. Pachtman, USSC#75-5435, (LAW WEEK, vol.#44, No. 28, p. 4257 and 4258):**

"42 USC* 1983 provides: 'Every person who, under color of any statute, ordinance, regulating custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the U.S. or other person within the Jurisdiction thereof to the deprivation of any rights, privilege, or immunities secured by the Constitution ... shall be liable to the party injured in an action at law, suit in equity or other proper proceedings for redress."

23. **Jacobs v. Board of Regents (1979 SD Fla) 473 F. Supp. 663:**

"A Plaintiff should never be dismissed unless it appears beyond a doubt that Plaintiff can prove no set of facts in support of the claim which would entitle the Plaintiff to relief." *FRCP, Rule 12(b) (6) 28 USCA.*

"Disctrict Court is required to construe the Complaint in a light most favorable to Plaintiff, and to take the allegations contained therein as true. *"FRCP, Rule 12 (b)(6).*

24. **Jillson v. Caprio. 86 APp. DC 168, 181 F2d 523; Noted. 49 Mich. LR 917 (1941); 35 Cornell L.Q. 904 (1950); and Encyclopedia of Negligence, p. 1143 (sec. 407) par. 1:**

"FALSE ARREST. False arrest fundamentally refers to restraint under legal procedures."

"Any 'restraint' on the personal liberty to come and go, of a person no matter how slight is an 'arrest'. A 'malicious arrest' is one made in proper procedural form but without probable cause."

p. 1145 (sec. 408): "No damage need be shown in order to spell out this tort because of the origin of the action" "and even momentary 'restraint' is sufficient. And the victim is entitled to 'compensatory damages' for the mental suffering and time lost, as well as 'general damages'. " "Furthermore," "Negligence as well as intent on the part of the wrongdoer suffices for "false imprisonment" or "false arrest".

p. 1147 (sec. 409):

Not only the perpetrators" "but the instigators of unlawful violence is fully responsible to its victim."

p. 1148 (sec. 409): "ANYONE WHO AIDS A FALSE ARREST IS GUILTY1"*

*** emphasis added.**

25. **Knight v. Auciello (1972 CA1 Mass) 453 F2d 852:**

    "Award of costs proper under 42 USCS#1982 so that Plaintiff will not be burdened in vindicating public right established hereunder."

26. **Lamb v. Sallee (1976 DC Ky) 417 F Supp 282:**

    "Compensatory damages for humiliation and emotional and mental anguish are appropriate under 42 USCS #1982, and any award of attorneys' fees (or Plaintiff Pro Se's) is not based on the financial ability of Plaintiff."

27. **Lambert v. People of California. 335 U.S. 225, 1958; and per CRIMINAL LAW by Donnelly, Goldstein, and Schwartz, p. 540:**

    " "Then too, a cruelly disproportionate relation between what the law requires and the sanction for its disobedience may constitute a violation of the EIGHTH AMENDMENT, as a "cruel and unusual punishment", and, in respect to the States, even offend the Due Process Clause of the FOURTEENTH AMENDMENT." "

28. **In Re: Ledwith v. International Paper Co. 64 NYS 2d 810, Affd. 271 AD 864 66 NYS. 2d 625; and ENCYCLOPEDIA OF NEGLIGENCE (vol. 2) 1962, p. 973 (sec. 336) paragraph 1:**

    "If the complaint states any facts showing a wrong which the law recognizes and will redress, it is legally sufficient as a pleading. Even a lawful act done solely out of malice and ill will to injure another may be actionable. An action will lie for malicious acts and words where they are calculated to produce and where they produce damage. The genesis which will make a lawful act unlawful exclusively directed to injury and damage of another. Statements may be actionable without a word of falsehood where the maker acts solely out of disinterested malevolence."

29. **Lyons v. St. Joseph Belt Ry. Co. Mo. App. 84 SW 2nd 933, 944, and per: BLACK'S LAW DICTIONARY. (4th ed.) 1968, p. 1110:**

    "**Malice in Law.** The intentional doing of a wrongful act without just cause or excuse."

30. **Magill v. Avonworth Baseball Conference (1973 DC Pa) 364 F Supp 1212, vacated without op (CA3Pa) 497 F2d 921, later app (CA3Pa) 516 F2d 1328:**

    "42 USCS#1985 does not provide protection against all types of discrimination, but only that discrimination which occurs under color of state law; unlawful discrimination must result from misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state law; merely acting under state license is not state action within context of 42 USCS #1985."

31. **Martin v. Wainwright (1976 CA 5 Fla.) 526 F2d 938:**

    "District Court must be sensitive to problems of Pro Se Plaintiff in civil rights action and not be too quick to dismiss complaint for failure to state technical cause of action."

32. **May Hosiery Mills v. U.S. District Court in and for the District of Montana, CCA Mont. 64 F 2d 450, 454, and: BLACK'S LAW DICTIONARY, (revised 4th ed.) 1968, page 331:**

    "**Collusion.** Is an agreement between two or more persons to defraud a person of his rights by the forms of law, or to obtain an object forbidden by law. It implies the existence of fraud of some kind, the employment of fraudulent means, or of lawful means for the accomplishment of an unlawful purpose."

33. **McClellan v. Mississippi Power & Light Co. 545 F2d 919 (5th Cir. 1977) (en blanc) Id. at 925:**

    "Put more simply, there can only be a deprivation of rights of a Plaintiff when the action of the Defendant is otherwise illegal."

34. **Mitchell v. Boslow (1973, DC Md) 357 F Supp 199:**

    "Negligence is actionable under 42 USCS# 1983" "If bad faith and oppressive motive is shown."

35. **NLRB v. Grower-Shipper Vegetables Association. AM J 2d Abuse, p. 9 and per BALLENTINE'S LAW DICTIONARY, (3rd ed.) 1969, p. 213:**

    "**Coercion.** Compulsion by application of physical or mental force of persuasion. A form of abuse of process."

36. **Paul v. Davis (1976) 424 US 693, 47 L. Ed 2d 405, 96 S.Ct.1155. reh den 425 US 985, 48 L.Ed 2d 811, 96 S.Ct. 2194:**

    " "Interests comprehended within meaning of either "liberty" or "property" under procedural guarantees of due process clause of Fourteenth Amendment include interests that are recognized and protected by state law, and interests guaranteed in one of provisions of Bill of rights which have been "incorporated" into Fourteenth Amendment; 42 USCS#1983 – which creates right of action against person who, under color of state law, subjects another to deprivation of any right secured by Federal Constitution – makes deprivation of such latter type of right actionable independantly of state law." "

37. **Peck v. U.S. (1979 SD NY) 470 F. Supp. 1003:**

    "Determination of when a claim accrues under civil right conspiracy statute is a question of Federal Law."
    42 USCA 1986.

38. **Pennsylvania v. International Union of Operating Engineers (1972 DC Pa) 347 F Supp. 268:**

    "No 'state action' is required to state a cause of action for violation of equal right under 42 USCS #1981."

39. **People v. Ormsby. 310 Mich. 291, 17 NW 2nd 187, 190, and per BLACK'S LAW DICTIONARY, (4th ed.) 1968, p. 1228:**

"**Obstructing Justice.** Impeding or obstructing those who seek justice in a court, or those who have duties or powers of administering justice therein."

40. **People v. Winters; 171 Cal App. 2d 876, 342, P.2d 538 (App. Dept. Sup. Crt.) 1959:**

"The dismissals were void because the trial judge acted in a matter where he openly declared his bias and prejudgment without disqualifying himself."

41. **Petrovitsky v. Brigham, 14 Utah 472, 47 P. 666; and per BALLENTINE'S LAW DICTIONARY (3rd ed.) 1969:**

"**Defraud.** To commit acts, omissions, or concealments which involve a breach of legal or equitable duty, trust, or confidence just reposed, and are injurious to another, or by which an undue and unconscionable advantage is taken of another."

42. **Phaby v. KSD-KSD TV, Inc. (1979 ED Mo) 475 F. Supp. 1051:**

"A conspiracy to deprive a person of his rights to free speech and freedom of association due to his membership in a class, even though committed entirely by private persons, will constitute a violation of civil rights conspiracy statute." *42 USCA 1985(3), 1983.*

43. **Rice v. Winkelman Bros. Apparel, Inc. 13 Mich. App. 281, 164 N.W. 2d 417, 420:**

"**Malice.** Malice may be defined, insofar as defamation is concerned, as acting in bad faith and with knowledge of falsity of statements."

44. **Runyan v. McCrary (1976) 427 US 160, 49 L Ed 2d 415, 96 S.Ct. 2586:**

"42 USCS 1981 and 1982, which guarantee all persons same specified rights as enjoyed by white citizens, both reach private conduct."

45. **Santiago v. Philadelphia (1977 DC Pa) 435 F. Supp. 136:**

"Cause of action under 42 USCS#1986 requires that defendant knew of 42 USCS#1985(3) conspiracy and "having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do"; thus #1986 can only be pleaded once Plaintiffs have sufficiently alleged #1985(3) violation."

46. **Scheurer v. Rhodes. 416, U.S 232, 94 S.Ct. 1683, 40L.Ed 2d 90 (1979):**

"—Court is required to construe the complaint in a light most favorable to Plaintiff and to take the allegations contained therein as true."

47. **Scott v. Moore (1978 DC Tex) 461 F. Supp. 224:**

"Once conspiracy exists, co-conspirators of whom a party to conspiracy is unaware can bind him by their actions. Plaintiff must show conspiracy entered into with intent to deny class to which he belongs equal protection of the law, or an injury for lawfully expressing right of any person to equal protection of the law." *42 USCA (1985) (3).*

48. **Seaton v. Sky Realty Co. (1974, CA7 Ill) 491 F2d 634:**

"Award of compensatory damages under 42 USCS #1982 is appropriate for humiliation suffered by Plaintiffs as result of racial discrimination; humiliation can be inferred from circumstances as well as established by testimony."

49. **Selzer v. Verkowitz. (1978 DC NY) 459 F. Supp. 347:**

"(2) a conspiracy aimed at depriving someone of his First Amendment Right of freedom of speech and freedom of association was cognizable under the civil rights laws, and 020"Violation of Law. To fail to ob(3) where state action is involved, there is no requirement of showing of a class-based discriminatory animus". *F. Supp 348.*

"Civil Rights statute prohibiting conspiracy to deny equal protection applies to any and all comspiracies involving state action which threatened deprivation of rights protected under statute, even if such conspiracies are not motivated by class based discriminatory animus and are directed solely at an individual." *42 USCA. 1985(3) USCA. Const. Amend. 14.*

50. **State v. Case 53 Mo. 246, 250, and per BALLENTINE'S LAW DICTIONARY. 1968, (3rd ed.) p. 768:**

    "**Violation of Law.** To fail to observe the law whether by act of commission or ommission."

51. **State v. Huegin, 110 Wis. 189, 85 NW 1046, 62 LRA 700, and BLACK'S LAW DICTIONARY (4th ed.) 1968 p. 1110:**

    "**Malicious Injury.** An injury committed against a person at the prompting of malice or hatred toward him, or done spitefully or wantonly."

52. **State v. Vandenburg. 9 WW Harr. 498, 2A 2d916, 919, and BLACK'S LAW DICTIONARY. (Rev. 4th ed.) 1968:**

    "**Defraud.** To deprive a person of property or any interest, estate, or right; by fraud, deceit, or artifice."

53. **State ex rel Knabb v. Frater, 198 Wash. 675, 89, P. 2d, 1046, 1048:**

    "**Malfeasance.** Evil doing; ill conduct. The commission of some act which is positively unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which person ought not to do at all or the unjust performance of some act which the party had no right or which he had contracted not to do."

54. **Stern v. United States Gypsum Inc. (1977 CA7 Ill) 547 F2D 1327, motion den (CA7) 560 F2d 865:**

    "Cause of action under 42 USCS#1985(1) did not include requirement that conspiracy be motivated by invidiously discriminatory animus."

55. **United States v. Classic, 313 U.S. 299, 326.**

" "The United States Constitution, among other things places substantial limitations upon State action, and the cause of action provided in 42 U.S.C.+1983 is fundamentally one for "Misuse of Power", possessed by virtue of State Law and made possible only because the wrong doer is clothed with the authority of state law." "

56. **U.S. v. Dowd. 271 F 2d. 292 (7th Cir. 1959) and per CRIMINAL LAW by Donnelly, Goldstein, & Schwartz, p. 485:**

"The Thirteenth Amendment **prohibits** 'involuntary servitude' except as a punishment for **crime** whereof the party shall have been duly convicted."

57. **United States General Inc. v. Schroeder (1975 DC Wis) 400 F. Supp. 713:**

"While as general rule state court litigants are amenable to suit under provisions of Civil Rights Act, private person who effects unconstitutional prejudgment judicial remedy does perform state action within meaning of 42 USCS#1983, since private citizen is acting under color of state law when his action is encouraged by state law and especially when it is possible only by virtue of state law."

58. **Warren v. Union Bank. 157 NY 259 51 NE 1056; and per BALLENTINE'S LAW DICTIONARY (3rd ed.) 1969, p. 218:**

"**Collusion.** An agreement between two or more persons to defraud another of his rights by the forms of law or to secure an object forbidden by law."

59. **White v. Bloom (1980 CA 8 Mo) 621 F 2d 276:**

"When complaint under USCS 1983 or 1985 can be read to allege continuing conspiracy, period of limitation for damages does not begin to run until last overt act of conspiracy has occurred."

60. White v. Chicago, Burlington, and Quincy R.R., 417 F. 2d 941, (1969)

"Qualified privilege is not absolute defense to slander suit and if defense is pleaded, the question of MALICE is still one of fact for the Jury."

ADDITIONAL RULING RELIED ON, NOTED BY EX-ATTORNEY WONG:

1. *Biakanja v. Irving, 49 Cal. 2d 647, 651, 320 P. 2d 16, 19 (1958);* RE: duty of care owing third parties contingent on 6 factors:
   (1) the extent to which the transaction was intended to affect the Plaintiff;
   (2) the foreseeability to harm to the Plaintiff;
   (3) the degree of certainty that the Plaintiff suffered injury;
   (4) the closeness of the connection between the Defendant's conduct and the injuries suffered;
   (5) the moral blame attached to the Defendant's conduct; and;
   (6) the policy of preventing future harm.
2. *Bradley v. Fisher, 80 U.S. (13 Wall) 335, 20 L. Ed. 646 (1872).* and*Supra, 435 U.S. at 356:* RE no judicial immunity, if acted in "clear absence of subject matter jurisdiction".
3. *Conley v. Gibson, 355 U.S. 41 (1957);* RE: "nature of the claim" being satisfied when Plaintiff sets out the elements showing that a legal wrong has been committed and that she is entitled to relief. *Supra at 47:* Rules require "a short and plain statement on the claim that will give the Defendant fair notice of what the Plaintiff's claim is and the grounds upon which it rests."
4. *Hamilton v. Baltimore & O.R.R., 23 F.R.D. 101 (S.D. Ind. 1958);* RE: proper procedure for more details is through discovery.
5. *McCallen v. Henderson, 492 F.62d 1298 (8th Cir. 1974);* RE: degree of immunity re: court clerks.
6. *McCray v. Maryland, 456 F. 2d 1 (4th Cir. 1972);* and

7. *Marty's Adult World of New Britain, Inc. v. Guida, 453 F. Supp. 810 (1978);* RE: qualified immunity re: court clerk or public official (as Court Commissioner); within scope of authority.
8. *Nagler v. Admiral Corporation, 248 F. 2d 319 (1957); Fed. Rules of Civ. Proc., Rule 8(a-2); 28 USCA:* RE: rule that claims should be "stated in general terms, and rules are designed to discourage battles over mere form of statement and sweep away needless controversies that serve either to delay trial on merits or prevent party from having trial because of mistakes in statement."
9. *Palsgraf v. Long Island R.R., 248 NY 339, 344, 122 NE 99, 199 (1928);* "the risk reasonably to be perceived defines the duty to be obeyed."
10. *Philadelphia Retail Jewelers Ass'n. v. L. & C. Mayers, 1 F.R.D. 606 (E.D. Pa. 1941);* RE: denial of Motion for More definite Statement, if what the Defendant seeks is within his own knowledge.
11. *Rose v. Davis, 228 Ky. 674, 157 SW 2d 284 (1941);* "An attorney is not ordinarily liable to third person for his acts committed in representing a client. It is only where his acts are fraudulent or tortuous and result in injury to third persons that he is liable." *Supra at 284-285.*
12. *Rosen v. Texas Co., 161 F. Supp. 55 (S.D.N.Y. 1958);* RE: pleadings of Statute of Limitations.
13. *Shipp v. Todd, 568 F. 2d 133 (9th Cir. 1978);* RE: qualified immunity re: court clerks or reporters.
14. *Stump v. Sparkman, 435 U.S. 349 (1978);* RE: no immunity for Judges or Justice of the Peace who act without any Jurisdiction; and does not extend to Court Clerks.
15. *Vickens v. Motta, 137 S.E. 2d 77, 79 (Ga Ct. of App. 1964);* The law is well settled that, where public officials are acting within the scope of their duties and exercising a discretionary power, the courts are not warranted in interfering unless fraud or corruption is shown, or the power or discretion is being manifestly abused to the oppression of the citizen."
16. *Walling v. American S.S. Co. 4 F.R.D. 355 (WDNY 1945);* RE: nature of claims not understandable.
17. *Zimmerman v. Speers, 565 F. 2d 310 (5th Cir. 1974);* RE: narrow range of immunity re: court clerks.

APPENDIX 3: LAW OF PERTINENCE

I. HAWAII CODE OF JUDICIAL CONDUCT

1. **Canon 1. A Judge Should Uphold the Integrity and Independence of the Judiciary**

   An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

2. **Canon 2. A Judge Should Avoid Impropriety and the Appearance of Impropriety in all his Activities.**

   A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and *impartiality* of the judiciary.

   B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not testify in any proceedings voluntarily as a character witness.

3. **Canon 3. A Judge Shold Perform the Duties of His Office Impartially and Diligently.**

   The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

   A. Adjudicative Responsibilities

   (1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

   (2) A judge should maintain order and decorum in proceedings before him.

   (3) A Judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his

staff, court officials, and others subject to his direction and control.

B. Administrative Responsibilities

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

C. Disqualification

(1) A judge should disqualify himself in a proceeeding in which his impartiality might reasonably be questioned, including but not limited to instances where:

(a) he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

D. Remittal of Disqualification

A judge disqualified by the terms of Canon 3C(1)(c) or Canon 3C(1)(d) may, instead of withdrawing from the proceeding, disclose on the record the basis of his disqualification. If, based on such disclosure, the parties and lawyers, independently of the judge's participation all agree in writing that the judge's relationship is immaterial or that his financial interest is insubstantial, the judge is no longer disqualified, and may participate in the proceeding. The agreement, signed by all parties and lawyers, shall be incorporated in the record of the proceeding.

E. Arbitration

A judge may act as an arbitrator or mediator but may not accept compensation other than for expenses.

F. Practice of Law

A judge should not practice law.

G. Extra-judicial Appointments

A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law the legal system, or the administration of justice. A judge, however, may represent his country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

4. Canon 6. A Judge Should Refrain from Political Activity Inappropriate to His Judicial Office

A. Political Conduct In General

(1) A judge should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for nor make a contribution to a political organization or candidate, or purchase tickets for political party dinners, or other functions.

(2) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Becoming a Candidate for Elective Office

A judge who shall become a candidate for elective office shall forfeit his office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

II. HAWAII'S CODE OF PROFESSIONAL RESPONSIBILITY ETHICAL CONSIDERATION: (EC)

1. **EC 2-30** Employment should not be accepted by a law-

yer when he is unable to render competan service or when he knows or it is obvious that the person seeking to employ him desires to institute or maintain an action merely for the purpose of harassing or maliciously injuring another. Likewise, a lawyer should decline employment if the intensity of his personal feeling, as distinguished from a community attitude, may impair his effective representation of a prospective client. If a lawyer knows a client has previously obtained counsel, he should not accept employment in the matter unless the other counsel approves or withdraws, or the client terminates the prior employment. (this is additional)

2. **EC 7-5** A lawyer as adviser furthers the interest of his client by giving his professional opinion as to what he believes would likely be the ultimate decision of the courts on the matter at hand and by informing his client of the practical effect of such decision. He may continue in the representation of his client even though his client has elected to pursue a course of conduct contrary to the advice of the lawyer so long as he does not thereby knowingly assist the client to engage in illegal conduct or to take a frivolous legal position. A lawyer should never encourage or aid his client to commit criminal acts or counsel his client on how to violate the law and avoid punishment therefor.
3. **EC 7-21** The civil adjudicative process is primarily designed for the settlement of disputes between parties, while the criminal process is designed for the protection of society as a whole. Threatening to use, or using, the criminal process to coerce adjustment of private civil claims or controversies is a subversion of that process; further, the person against whom the criminal process is so misused may be deterred from asserting his legal rights and thus the usefulness of the civil process in settling private disputes is impaired. As in all cases of abuse of judicial process, the improper use of criminal process tends to diminish public confidence in our legal system.
4. **EC 7-22** Respect for judicial rulings is essential to the proper administration of justice; however, a litigant or his law-

yer may, in good faith and within the framework of the law, take steps to test the correctness of a ruling of a tribunal.

5. **EC 7-26** The law and Disciplinary Rules prohibit the use of fraudulent, false, or perjured testimony or evidence. A lawyer who knowingly participates in introduction of such testimony or evidence is subject to discipline. A lawyer should, however, present any admissible evidence his client desires to have presented unless he knows, or from facts within his knowledge should know, that such testimony or evidence is false, fraudulent, or perjured.

III. HAWAII REVISED STATUTES

1. **Chapter 605-2:** *"Attorneys: license required.* No person shall be allowed to practice in any court of record or before a circuit judge at chambers, unless, he has been duly licensed so to do by the supreme court; provided, that nothing in this chapter shall prevent any person, plaintiff, defendant, or accused, from appearing in person before any court, or justice, and there prosecuting or defending his own cause, without the aid of legal counsel. *(CC 1859,+1068; RL 1925,+2305; RL 1935,+3604; RL 1945,+9702; RL 1955,+217-2)"*
2. **Chapter 657-20:** *"Extension by fraudulent concealment.* If any person who is liable to any of the actions mentioned in this part, fraudulently conceals the cause of such action from the knowledge of the person entitled thereto, the action may be commenced at any time within six years after the person who is entitled to bring the same discovers that he has such cause of action, and not afterwards. *(CC 1859,+1049; RL 1925,+2654; RL 1935,+3925; RL 1945, +10436; RL 1955,+241-19)*

IV. HAWAII RULES OF APPELLATE PROCEDURE

Rule 41. Stay of judgment; preparation and issuance of judgment and notice of entry of judgement.

(a) Stay of Judgement and Notice of Entry of Judgment. The timely filling of a motion for reconsideration shall stay the finality of the decision until the disposition of the motion unless otherwise ordered by the court. The timely filing of an application for a write of certiorari shall stay the

finality of the decision unless otherwise ordered by the Supreme Court. If the application for a writ is rejected, the decision shall be final as of the date of rejection.

V. HAWAII RULES OF THE FAMILY COURT

Rule 7(b) (5). "Pleading Allowed; Form of Motions. Any motion seeking an order for or modification of financial or monetary relief of any kind, except for an award of attorney's fees in enforcement proceedings, shall have attached income and expense and property or asset and debt statements on the forms provided by the court, executed by the movant and duly notarized or under penalty of perjury, and any person responding to such motion shall prepare and submit to the court and the movant, at or prior to the hearing of such motion, income and expense and property or asset and debt statements on the forms provided by the court, executed by such respondent and duly notarized or under penalty of perjury.

The sanctions provided in *Rule 37(b)(2)* shall apply in the event of failure to comply with this *Rule 7(b)(5).*

VI. THE HAWAII STATE CONSTITUTION

A. ARTICLE ONE

1. **Section 1.** All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All Government is founded on this authority. (Am Const Con 1978; election Nov. 7, 1978)
2. **Section 2.** All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty, and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities. (Am. Const Con 1978; election Nov. 7, 1978)
3. **Section 3.** Equality of rights under the law shall not be denied or abridged by the State on account of sex. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this section. (L 1972, S B No 1408-72; election Nov. 7, 1972; ren

Const Con 1978; election Nov. 7, 1978)

4. **Section 4.** No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances. (Ren and Am Const Con 1978; election Nov. 7, 1978)
5. **Section 5.** No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry. (Ren and Am Const Con 1978; election 11/7/78)
6. **Section 6.** The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right. (Add Const Con 1978; election Nov. 7, 1978)
7. **Section 7.** The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches, seizures, and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted. (Am Const Con 1968 and election Nov. 5, 1968; ren and Am Const Con 1978 and election Nov. 7, 1978)

8. **Section 8.** No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens unless by the law of the land. (Ren Const Con 1978 and election Nov. 7, 1978)
9. **Section 12.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may dispense with bail if reasonably satisfied that the defendant or witness will appear when directed, except for a defendant charged with an offense punishable by life imprisonment. (Am Const Con 1968 and election Nov. 5, 1968; ren and Am Const Con 1978 and election Nov. 7, 1978)
10. **Section 13.** In suits at common law where the value in controversy shall exceed one thousand dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury. (Ren and Am Const Con 1978 and election Nov. 7, 1978)
11. **Section 20.** Private property shall not be taken or damaged for public use without just compensation. (Am Const Con 1968 and election Nov. 5, 1968; ren Const Con 1978; election 11/7/78)
12. **Section 21.** The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities. (Ren Const Con 1978 and election Nov. 7, 1978)
13. **Section 22.** The enumeration of rights privileges shall not be construed to impair or deny others retained by the people. (Ren Const Con 1978 and election Nov. 7, 1978)

VII. HAWAII SUPREME COURT RULES

Rule 5. Judicial Conduct.

Code. The Code of Judicial Conduct attached hereto as Exhibit B is adopted as the standard of conduct for members of the Hawaii Judiciary subject to Rules 5.1 and 5.2. *(Amended August 29, 1983, effective January 1, 1984, renumbered September 1984.)*

VIII. TITLE 28 UNITED STATES CODE

1. **Chapter 81, section 1257. State courts; appeal; certiorari.** Final judgments or decrees rendered by the highest court of a State in which a decision could be had may be reviewed by the Supreme Court as follows:

   (3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.
2. **Chapter 111, sec. 1651(a). WRITS:** "The Supreme Court and all courts established by Act of Cngress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."
3. **Chapter 111, sec. 1654. APPEARANCE PERSONALLY:** "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein."
4. **Chapter 133, sec. 2101. Supreme Court; time for appeal or certiorari; docketing; stay**

   (c) Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree. A justice of the Supreme Court for good cause shown, may extend the time for applying for a writ of certiorari for a period not exceeding sixty days.
5. **Chapter 133, sec.2106: DETERMINATION:** "The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

IX. TITLE 42, UNITED STATES CODE SERVICE

Chapter 21:

1. **Section 1981: GENERALLY EQUAL RIGHTS UNDER THE LAW:**

   "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to the like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

2. **Section 1982. PROPERTY RIGHTS OF CITIZENS:**

   "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

3. **Section 1983: CIVIL RIGHTS FOR DEPRIVATION OF RIGHTS:**

   "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit, in equity, or other proper proceeding for redress.

4. **Section 1985:**

   (1) PREVENTING OFFICER FROM PERFORMING DUTY.

   "If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place or confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR.

"If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party of witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any persons, or class of persons, to the equal protection of the laws;

(3) DEPRIVING PERSONS OR RIGHTS OR PRIVILEGES.

"If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party occasioned by such injury or deprivations, against any one or more of the conspirators.

5. **Section 1986; ACTION FOR NEGLECT to prevent CONSPIRACY:**

   "Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section [42USCS § 1985], are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action, and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

Chapter 21, Section 1988. Proceedings in vindication of civil rights.

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this Title, and of Title "CIVIL RIGHTS," and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State where the court having jurisidiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the part found guilty. In any action or proceeding to enforce a provision of section 1977, 1978, 1979, 1980, and 1981 of the Revised Statutes [42 USCS § § 1981-1983, 1985, 1986], title IX of Public Law 92-318 [20 USCS § § 1681 et seq.], or in any civil action or proceeding, by or on behalf of the United States of America, to enforce, or charging a violation of, a provision of the United States Internal Revenue Code [26 USCS § § 1 et seq.], or title VI of the Civil Rights Act Of 1964 (42 USCS § § 2000d et seq.], the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

THE UNITED STATES CONSTITUTION

A. ARTICLE IV.

1. **Section 1.** Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

2. **Section 2.** The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

   A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

   No person held to Service or Labour in one State, under the Law thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.
3. **Section 3.** New States may be admitted by the Congress into this union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislature of the States concerned as well as of the Congress

   The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.
4. **Section 4.** The United States shall guarantee to every State in this Union a Repubiican Form of Government, and shall protect each of them against Invasion; and on Application to the Legislature, or to the Executive (when the Legislature, cannot be convened) against domestic Violence.

B. AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

1. ARTICLE ONE (AMENDMENT ONE)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceable to assemble, and to petition the Government for a redress of grievances.

2. **ARTICLE FOUR (AMENDMENT FOUR)**
   The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probably cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.
3. **ARTICLE FIVE (AMENDMENT FIVE)**
   No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.
4. **ARTICLE SEVEN (AMENDMENT SEVEN)**
   In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.
5. **ARTICLE EIGHT (AMENDMENT EIGHT)**
   Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.
6. **ARTICLE NINE (AMENDMENT NINE)**
   The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.
7. **ARTICLE THIRTEEN (AMENDMENT THIRTEEN)**
   Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their Jurisdiction.
8. **ARTICLE FOURTEEN (AMENDMENT FOURTEEN)**
   Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

XI. The UNITED STATES SUPREME COURT RULES *

Rule 13
Rule 17(1)(b and c)
Rule 19.1 and 19.2
Rule 26

* *Noted for its pertinence only, because of knowledge by this Court.*

NO. 10354
IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1984

JANICE CHING YEE,
Plaintiff-Appellant Pro Se
v.
BETTY VITOUSEK; EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, and ALFRED A. YEE & ASSOCIATES, INC.; BOBBY KAU, JOHN S. WILLIAMSON, and THE JOHN HANCOCK MUTUAL LIFE INSURANCE CO.; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and GERRY NAGAHISA; The HAWAII STATE BAR ASSOCIATION involved members, JUNG LOWE, DAN HEELY, and, THE HAWAII JUDICIAL QUALIFICATIONS COMMISSION OF 1978: ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CARANE, and deceased, exempt WILSON CANNON, and MITSUYUKI KIDO; STEPHANIE KOKERNAK; JARRET KO; and KWONG YEN LUM; JOHN PARKS; WILLIAM RICHARDSON, BERT KOBAYASHI, BENJAMIN MENOR, ROBERT W.B. CHANG, EDWARD NAKAMURA, and deceased, exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV. GEORGE ARIYOSHI; BARRY RUBIN; DONALD TSUKIYAMA; RICHARD LEE; WALTER HEEN; UNITED STATES COURT OF APPEALS (9th CIRCUIT) JUDGES: ALFRED GOODWIN, OTTO SKOPIL, HARRY PREGERSON, and WARREN FERGUSON; HAWAII'S U.S. DISTRICT COURT, and JUDGES: SAMUEL KING, MARTIN PENCE, AND

HCC CIVIL NO. 83013

APPEAL FROM FINAL JUDGMENTS/ORDERS OF THE COURT BELOW, FILED DEC. 5, 1984, and DEC. 27, 1984; AND TO INCLUDE APPEAL FROM JUDGMENTS/ORDERS UPON WHICH THE FINAL JUDGMENTS/ORDERS ARE CONTINGENT, AND WHICH CONSTITUTED "PERJURED, OBSTRUCTIVE MALPRACTICE"

Hawaii Circuit Court
of the First Circuit
Honorable Judges:
Richard Y.S. Au,
Edwin H. Honda, and
Philip T. Chun.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES
DESIGNATION OF RECORD ON APPEAL
CERTIFICATE OF SERVICE

Hawaii Supreme Court
Hon. Justice J. Wakatsuki,
and Substitute Justices:
Leland H. Spencer,
Ronald T.Y. Moon, Harry T. Tanabe, and Robert Klein

HAROLD FONG; HAWAII'S U.S.
DISTRICT ATTORNEYS: DANIEL
BENT and FRANK WILSON; UNITED
STATES SUPREME COURT;
AND, by JOINDER, *per 1/11/84 and
2/6/85 "MOTION"s, JUDGES:
RICHARD AU, EDWIN HONDA, AND
PHILIP CHUN; AND ATTORNEYS:
CHARLES WITHERWAX, M. TYLER
POTTENGER, THOMAS CROWLEY,
WILLIAM McCORRISTON, and
WARREN PRICE III;
Defendants-Appellees.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES
DESIGNATION OF RECORD ON APPEAL
CERTIFICATE OF SERVICE

Mrs. Janice Ching Yee
Plaintiff-Appelland Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii, 95817
ph: 808-5953426

NO. 10354
IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTEOBER TERM 1984

JANICE CHING YEE, Plaintiff-Appellant Pro Se, v. BETTY VITOUSEK; EDWARD CHUN; ET AL; Defendants-Appellees.+	HCC CIVIL NO. 83013 NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES Hawaii Supreme Court Hon. Justice J. Wakatsuki and Substitute Justices: Leland H. Spencer, Ronald T.Y. Moon, Harry T. Tanabe, and Robert Klein

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

NOTICE IS HEREBY GIVEN that Janice Ching Yee, Plaintiff-Appeliand Pro Se, pursuant to **HAWAII RULES OF APPELLATE PROCEDURE, RULE 41; TITLE 28, U.S. CODE, Chapter 81, sections 1254 (1 and 3), and 1257(3); CHAPTER 111, sections 1651, and 1654; Chapter 115, sections 1733, 1738, and 1739; Chapter 131, section 2071;** AND **Chapter 133, section 2101 (c and f);** AND; **RULES OF THE SUPREME COURT OF THE UNITED STATES, RULES 10, AND 17(b and c);**

hereby APPEALS to the Supreme Court of the United States, from the "injustice", and unjustified:

A. Order filed February 14, 1985, "Dismissing":

1. Appellant JCY'S "APPEAL"; OPENING BRIEF filed Feb. 14, 1985;
2. Appellant's "MOTION FOR ORDER FOR PERMANENT, PREVENTIVE, MANDATORY INJUNCTION, AS MOTION TO STAY THE LOWER TRIAL COURT'S JUDGMENTS/ ORDERS AS "PERJURED, OBSTRUCTIVE MALPRACTICE"† BY LAWYERS/JUDICIARY INVOLVED"; filed January 7, 1985;
3. Appellant's "MOTION FOR ORDER TO INCLUDE NEW DEFENDANTS-APPELLEES BY JOINDER, CONSOLIDATION, AND BY "MOTION FOR" "INJUNCTION"; filed Jan. 11, 1985;

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† defined in 1/7/85 "MOTION". +per cover.

B. Order filed February 28, 1985, which "Denied":

1. Appellant's "MOTION FOR RECONSIDERATION OF ORDER filed 2/14/85; AND"
2. Appellant's "MOTION FOR RECUSAL OF JUSTICE WAKATSUKI , AND JUDGES: (SUBSTITUTE JUSTICES) TANAKA, MOON, KLEIN, AND SPENCER"; filed February 19, 1985.

DATED, March 12, 1985.

/s/ (Mrs.) Janice Ching Yee
(Mrs.) Janice Ching Yee
Plaintiff-Appellant Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii, 96817

NO. 10354
IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1984

JANICE CHING YEE,
Plaintiff-Appellant Pro Se
v.
BETTY VITOUSEK; EDWARD CHUN;
ET AL;Defendants-Appelles.+

HCC CIVIL NO. 83013
DESIGNATION OF
RECORD ON APPEAL

DESIGNATION OF RECORD ON APPEAL

Plaintiff-Appellant Pro Se Janice Ching Yee, hereby DESIGNATES that all of the RECORD ON APPEAL for this case above, not be stricken in any part; including all transcripts and AMENDED NOTICE OF APPEAL and AMENDED DESIGNATION OF AMENDED NOTICE OF APPEAL, filed February 8, 1985, for Hawaii Circuit Court case No. 83013; as well as all the RECORD ON APPEAL for Hawaii Supreme Court case No. 10354;

Be prepared, certified, and transmitted to the Supreme Court of the United States, for most proper REVIEW; pursuant to **TITLE 28, U.S. CODE, Chapter 115, sections 1733, 1738, and 1739;** and **RULES OF THE SUPREME COURT OF THE UNITED STATES, RULE 13.** (see EXHIBIT 1)

DATED, March 12, 1985.

/s/ (Mrs.) Janice Ching Yee
(Mrs.) Janice Ching Yee
Plaintiff-Appellant Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii, 96817

+per cover

RULES OF THE SUPREME COURT

Rule 13

Certification of the Record

.1. An appellant at any time prior to action by this Court on the jurisdictional statement, may request the clerk of the court possessed of the record to certify it, or any part of it, and to provide for its transmission to this Court, but the filing of the record in this Court is not required for the docketing of an appeal. If the appellant has not done so, the appellee may request such clerk to certify and transmit the record or any part of it. Thereafter, the Clerk of this Court or any party to the appeal may request that additional parts of the record be certified and transmitted to this Court. Copies of all requests for certification and transmission shall be sent to all parties. Such requests to certify the record prior to action by the Court on the jurisdictional statement, however, shall not be made as a matter of course by only when the record is deemed essential to a proper understanding of the case by this Court.

.2. When requested to certify and transmit the record, or any part of it, the clerk of the court possessed of the record shall number the documents to be certified and shall transmit with the record a numbered list of the documents, identifying each with reasonable definiteness.

.3. The record may consist of certified copies. But whenever it shall appear necessary or proper, in the opinion of the presiding judge of the court from which the appeal is taken, that original papers of any kind should be inspected in this Court in lieu of copies, the presiding judge may make any rule or order for safekeeping, transporting, and return of the original papers as may seem proper to him. If the record or stipulated portions thereof have been printed for the use of the court below, this printed record plus the proceedings in the court below may be certified as the record unless one of the parties or the Clerk of this Court otherwise requests.

.4. When more than one appeal is taken to this Court from the same judgment, it shall be sufficient to prepare a single record containing all the matter designated by the parties or the Clerk of this Court, without duplication.

EXHIBIT 1.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument, will be served by hand, or postpaid mail, to the following:

Hawaii State Attorney General Michael Lilly, and Deputies:
Chiogioji and Suzuki;
at: Hawaii State Capitol, 415 S. Beretania St. Hon. Hi. 96813
for Defendants-Appellees related to Hawaii State Government.

U.S. District (Hawaii) Attorney, Deputy Michael Chun;
at: 2nd Floor, U.S. Courthouse, 300 Ala Moana Blvd. Hon. Hi. 96813.
for Defendants-Appelles related to United States Government.

Edward Y.C. Chun, of Chun, Kerr, and Dodd;
at: Suite 1408, of 700 Bishop Street, Hon. Hi. 96813
for Defendants-Appelles Alfred A. Yee; & AAY & Associates, Inc.

Wm. McCorriston, Warren Price III, and David Fairbanks;
at: Suite 1600, of 130 Merchant Street, Hon. Hi. 96813;
for Defendants-Appellees Edw. Chun; John Hancock Mutual Life Ins. Co.; James Koshiba; and Hawaii State Bar Assn. involved; ET AL.

Thomas Crowley, of Cades, Schutte, Fleming, and Wright;
at: Suite 1200, of 1000 Bishop Street, Hon. Hi. 96813.
for Defendants-Appellees Robert Hogan, and Harold Nickelsen.

Charles Witherwax, and M. Tyler Pottenger, of a Law Corporation;
at: Suite 1420, of 841 Bishop Street, Hon. Hi. 96813.
for Defendants-Appellees Bobby Kau, and John S. Williamson.

Benjamin Carroil, of McKenzie, Trecker, and Fritz;
at: Suite 710, of 820 Mililani Street, Hon. Hi. 96813.
for Defendant-Appellee Dr. Kwong Yen Lum.

Molly Jo Campbell, of Char, Hamilton, Campbell, and Thom;
at: Suite 2100, of 737 Bishop Street, Hon. Hi. 96813.
for Defendant-Appellee Dr. Jarret Ko.

Stephanie Kokernak, Defendant-Appellee for self;
at: 1708 Nuuanu Avenue, Hon. Hi. 96817

John Parks, Defendant-Appellee for self;
at: 3716 Diamond Head Road, Hon. Hi. 96816.

for service this day, of March 12, 1985.

/s/ (Mrs.) Janice Ching Yee
(Mrs.) Janice Ching Yee, Plaintiff-Appellant Pro Se
at: 3169 Alika Avenue, Honolulu, Hawaii, 96817.

PROMISSORY NOTE

$105,000.00 HONOLULU, HAWAII
July 5, 1975

In accordance with the Sixth Supplemental Decision and Order entered on April 4, 1975, as amended by the Eleventh and Twelfth Supplemental Decisions and Orders in proceedings of the Family Court of the State of Hawaii designated FC-D No. 81258, the undersigned hereby promises to pay to JANICE CHING YEE the principal sum of ONE HUNDRED FIVE THOUSAND AND NO/100 DOLLARS ($105,000.00), payable without interest in monthly installments of THREE HUNDRED FIFTY AND NO/00 DOLLARS ($350.00) each, commencing first on July 5, 1975 and continuing on or before the fifth day of each and every month thereafter until fully paid.

In the event of default of any installment, interest at the rate of twelve per cent (12%) per annum shall accrue on the installment in arrears.

This note is subject to acceleration in accordance with provisions of paragraph I(A)(2)(a) and paragraph I(A)(2)(c) of said Sixth Supplemental Decision and Order, providing as follows:

> "If at any time [JANICE CHING YEE] shall require supplemental income to cover insured hospitalization, medical and psychiatric costs and expenses reasonably required to provide for her health and well being, [she], or some proper person on her behalf, may apply to [the Family Court of the First Circuit of the State of Hawaii] for entry of its Order increasing the amount of monthly installments.
>
> "In the event [the maker] shall predecease[JANICE CHING YEE] [the maker or] estate shall be obligated for the payment of the remaining balance of said $105,000.00."

In the event of default in the payment of any installment at the time when due, and in case steps are taken whether by suit or otherwise to collect any installment in arrears, the undersigned further promises to pay all reasonable costs and expenses incurred, including a reasonable attorney's fee.

The privilege is reserved to the maker to prepay the whole or any part of the principal from time to time outstanding without penalty.

/s/ Alfred A. Yee
ALFRED A. YEE

EXHIBIT "A"

APPENDIX 5—A

of Feb. 2, 1976 Eleventh Supplemental Decision & Order
"tCR" p. 583-611.

PROMISSORY NOTE

$110,000.00 HONOLULU, HAWAII

July 1, 1975

In accordance with the sixth Supplemental Decision and Order entered on April 4, 1975, as amended by the Eleventh and Twelfth Supplemental Decisions and Orders in proceedings of the Family Court of the State of Hawaii designated FC-D No. 81258, the undersigned hereby promises to pay to JANICE CHING YEE THE PRINCIPAL SUM OF ONE HUNDRED TEN THOUSAND AND NO/100 DOLLARS ($110,000.00), together with interest at the rate of five per cent (5%), per annum computed on the unpaid principal balance remaining unpaid from time to time from and after July 1, 1975 until January 31, 1981, and thereafter at a rate of interst equal to one percentage point above the prime rate of interest from time to time established by Bank of Hawaii, not exceeding, however, ten per cent (10%) per annum.

Principal and interest shall be due and payable as follows:

PRINCIPAL. Principal shall be payable on the date that the undersigned or his designee shall be entitled to distributions of all of the undersigned's vested rights in the Alfred A. Yee & Associates, Inc. Profit Sharing Trust; provided that if only a portion of the undersigned's rights in said Profit Sharing Trust shall be payable, then such portion shall be fully applied to the payment of principal hereunder; provided, further, that if principal shall not be fully paid by January 31, 1981, then and in such event the then remaining principal shall be paid in one hundred (100) equal monthly installments commencing first on February 1, 1981. The whole or any part of the principal may be prepaid without penalty.

INTEREST. Interest shall be payable in montly installments in arrears, commencing first on August 1, 1974 for and on account of interest accruing from the period July 1, 1975 to July 31, 1975, and continuing on the first day of each and every month thereafter until the principal shall be fully paid.

In the event of default in the payment of principal when due, or of any installment of interest when due, and in case steps are taken, whether by suit or otherwise, to collect any installment in arrears, the undersigned further promises to pay all reasonable costs and expenses incurred, including a reasonable attorney's fee, and interest at the rate of twelve per cent (12%) per annum on any installment, either on principal or interest, in arrears.

/s/ Alfred A. Yee
ALFRED A. YEE

EXHIBIT "B"

APPENDIX 5—B

of Feb. 2, 1976 Eleventh Supplemental Decision & Order
"tCR" p. 583-611.

MELVIN Y.Q. WONG
Attorney at Law
Hasagawa Komuten Bldg.
820 Mililani Street
Suite 614
Honolulu, Hawaii 96813
Tel. (808) 523-0055

October 1, 1984

Robert Hogan
Attorney At Law
Grosvenor Center, Suite 2505
733 Bishop St.
Honolulu, Hawaii 96813

RE: Janice Ching Yee vs.
John Hancock Mutual, et al.

Dear Robert Hogan:

This letter is sent to extend my apology to you for my lawsuit.

I had no intention of suing you nor Ed Chun but was "coerced" into doing so by Janice Ching Yee when she was in my office. The original complaint did not include your name as defendant at all. However, Janice came to my office one day unexpectedly and went to near hysteria if I didn't add you as a party.

Thus, the reason for my Complaint in being drafted very brief in relation to you and Ed Chun.

On the day of the hearing for dismissal, I definitely intend to withdraw as counsel whether your Motion was granted or not.

I do not seek any sympathy or compassion from you and I perfectly understand why.

The main thrust of my lawsuit was just against John Hancock.

There are many good lawyers in this town but I know you are one that stands above the rest.

Sincerely,
/s/ Melvin Wong
MELVIN WONG, ESQ.

APPENDIX 6

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff, CIVIL NO. 83013
vs.
JOHN HANCOCK MUTUAL LIFE
INSURANCE COMPANY, et al.
Defendants.

TRANSCRIPT OF PROCEEDINGS

had before the Honorable MELVIN K. SOONG, Assigned Judge, presiding, on Tuesday, August 14, 1984, regarding the above-entitled matter: MOTIONS.

APPEARANCES:
For the Plaintiff: MELVIN WONG, ESQ.
For the Defendants: CHARLES WITHERWAX, ESQ.
(Williamson & Kau)

REPORTED BY:
Feliciana F. Ricardo, RPR, CSR 175
Official Court Reporter
First Circuit Court
State of Hawaii

OFFICIAL COURT REPORTERS
First Circuit Court
State of Hawaii

APPENDIX 7.

All I'm trying to do at this point is tell you how to proceed as to how it should be done, and the very first step is for you to amend your complaint. If you don't, then we'll just go ahead on what the complaint is already file by your attorney.

Yes, Mr. Witherwax?

MR. WITHERWAX: Your Honor, I would like to establish one fact if I may. And that would be the appropriate address of where pleadings may be served on Mrs. Yee pro se. You know, she has shown–

THE COURT: What is your address for purposes as far as notice is concerned? Because the address you've given, if that is mailed or delivered at that address, then it will suffice as far as the Court is concerned.

MS. YEE: I live at 3169 Alika Avenue, and that's where I've noted on my motions to appear that I shall be receiving–

THE COURT: Okay. The Court is advising you that you should take care of your amended complaint and make proper services of your complaint—of your amended complaint to the parties involved.

So that's the stage that we're at.

MS. YEE: Did you grant my motion for extension of time to plead then? That does give me the time?

THE COURT: Yes. A reasonable time. Unless you want a specific time. You want 30 days, I'll grant you 30 days.

MS. YEE: All right. Fine. Because the order has not been entered for the judgment of July 26.

THE COURT: What is July 26?

MS. YEE: That was the granting of the summary judgment of the parties in this case. And actually I'd like the motion for relief according to Rule 60(a)–

THE COURT: Well, ma'am, I'm not ruling on anything not before the Court.

MS. YEE: Because the matter of surprise–

THE COURT: Listen, listen, listen, Mrs. Yee. I'm not ruling on any matters not before the Court. I'm not making any rulings. All I'm saying is the motion to withdraw as counsel is granted.

The second motion that you requested to appear pro se, yes, that's granted. And the motion for extention of time to plead for relief is granted for 30 days. That's all that's before the Court. Okay.

MR. WITHERWAX: Your Honor, as a point of information, does that mean that I must wait 30 days or until I receive an amended complaint or motion for amended complaint before filing my motion for summary judgment, or may I do so in the interim?

THE COURT: Well, I think that would be wise....

55 ISSUES*, OR 55 VIOLATIONS BY DEFENDANTS

1) aiding and abetting
2) assassination of character, reputation, and good name
3) bad intent, bad faith
4) breach of contract
5) (coerced) degradation of living standards
6) (coerced) extra expenditures in Court, or elsewhere
7) (coerced) humiliation
8) (coerced) ignominy and anomie
9) (coerced) involuntary servitude
10) coercion for non-assertion of constitutional rights/rights; coercion
11) collusion, conspiracy, consanguinity
12) confilict of interest for welfare of Plaintiff
13) conflicted evidence
14) cruel and unusual punishment of innocent Plaintiff, victim
15) deception, defraudment, enticement, inducement
16) defamation, libel, slander
17) dissapation
18) distortion, misrepresentation, discreditation
19) double jeopardy coercion, as incapacitated, or for false arrest
20) entrapment to plead for truth or suffer assassination of character, reputation, and good name
21) exploitation
22) extortion, extortive coercion for lesser settlement
23) false arrest, prodecural restraint
24) falsity, falsehood
25) fraudulent concealment, concealment,
26) gross cheat, swindle
27) illegal threat, coercive threat, extortive threat
28) illegal trespass
29) instigator, instigation, contributory,[1] co-instigation
30) instrinsic fraud, fraud
31) invasion of privacy and financial privacy

APPENDIX 8.

32) involuntary servitude; of pleading, and exhibiting ideas without redress, reward/compensation; and being exploited by the community, and/or the Hawaii Bar Association
33) judicial abuse, judicial violence, contributory
34) judicial frivolity
35) malfeasance, malevolence, misconduct
36) malice, personal hatred
37) maliced denials and dismissals; perjury; coercion
38) malicious abuse of judicial process; abuse of process
39) malpractice; legal, or medical
40) negligence, malevolent disinterest
41) obstruction of justice for Plaintiff as capitalist good American born woman
42) oppression, coerced submission
43) perjury against oaths; perjury in testimony, affidavits
44) prejudice, prejudiced persecution, racial discrimination
45) prejudiced rejection; restraint of trade
46) restraint, constraint
47) suppression, denied access to involved American Courts
48) unamericanism; treason, denial of redress v. political violations
49) unconstitutional violations of established CONSTITUTIONAL LAW: unamericanism
50) unequal opportunity
51) unequal rights
52) unfair competition; unfair gain;
53) vacillatory delay; delay
54) violation of due process of law
55) violation of legal rights for pursuit of happiness as good Americanborn citizen

*from pages 11, 12, and 13 of Amendment of Complaint, filed Sept. 11, 1984; "ICR" p. 30-304.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff, CIVIL NO. 83013
VS.
JOHN HANCOCK MUTUAL LIFE
INSURANCE COMPANY, et al.,
Defendants.

TRANSCRIPTION OF PROCEEDINGS

before the Honorable RICHARD Y. C. AU, Judge, Second Division, presideing, on Friday, September 14, 1984. Defendant Robert Hogan's Motion for Summary Judgment.

APPEARANCES:
JANICE CHING YEE, Plaintiff Pro Se
WILLIAM McCORRISTON, ESQ., For Defendant Ed Chun
THOMAS E. CROWLEY, ESQ., For Defendant Robert Hogan

ARNOLD K. MAANO
Official Court Reporter
First Circuit Court

APPENDIX 9.

this is pled in the amended complaint, and I hope you had a chance to read it.

THE COURT: Yes, I have, Mrs. Yee. And, you see, we have a great deal of cases that I must attend to this afternoon. And your matter has been, you know, going through the judicial system as often, as Mr. Crowley said.

MS. YEE: I discovered that the Court has—The trend of the Court has been to grant—well, to grant cases, or defendants, on small technicalities, forgetting about the foundation of the courts and the court system and for the principle of law to redress the victim, as Plaintiff Janice Ching Yee, or convict the wrongdoer, and Defendant Hogan or Defendant Chun or any of the Defendants in the case.

THE COURT: Mrs. Yee--

MS. YEE: The incapacitation by coercion of non-assertion of my legal rights to prove that I'm capable. I've pled nine and a half years, your Honor. For nine and a half years, I pled as Plaintiff pro se. I started out not knowing anything about law, except for my one year at Northwestern.

THE COURT: I should have saved yours for the last case.

MS. YEE: Would you like to do that?

THE COURT: Yes, just to hear you out.

MS. YEE: All right.

THE COURT: But I'll grant the motion for summary judgment.

MRS. YEE: I'd like to strike the motion, your Honor.
THE COURT: It's denied.
MS. YEE: You haven't heard me.
THE COURT: I'll hear you at the end.
MS. YEE: Well, then, you should reserve your judgment until after you hear me. Then you should vacate your judgment.
THE COURT: No, the motion to strike Defendant Hogan's motion for summary judgment is hereby denied. If you wish to address the Court further, you may do so at the end of the calendar. But otherwise, I've read the--
MS. YEE: I object to this, your Honor. And I also object to the September 6th granting of Defendant Hogan's motion for more definite statement, because that also was premature in the fact that this Court had granted me the right to amend my complaint and also—I had the right to amend my complaint. That is almost like vacating the other order, because it does give me the chance to redo my complaint against all of them. Now, the Defendant's attorney is wrong in that they can--
THE COURT: All right. Let's call Case No. 14.
MR. CROWLEY: Your Honor, I want to clarify two points. The first is whether the Court, in granting Mr. Hogan's motion for summary judgment, is also granting him...

QUESTIONS PRESENTED FOR REVIEW, DECISION[1]

1. Can Trial Judges in "the Court below": (A) deny JCY'S RIGHTS, and for DEMAND FOR JURY TRIAL? (B) instigate "unusual" "sua sponte" dismissal of GRANTED Amended Complaint? (C) illegally enforce illegal coercion for non-assertion of JCY's RIGHTS for JURY TRIAL demanded? (D) deny fact "res judicata" cannot apply for JCY's case? (E) deny fact of JCY as real "Pro Se" victim, Complainant?

2. Does HAWAII's LAW allow illegal "protective order" for the Defendants (Appellees), in violation of "Equal Protection" of LAW for Plaintiff (Appellant) JCY, against being coerced "incapacitated" as judicially instigated assassinatory, libelled unconstitutionality "perjured, obstructive malpractice" injury of JCY, not redressed by any Court in America, yet?

3. Does "the Court below" have JURISDICTION to file "Orders" to (A) deny honor of JCY's DEMAND FOR JURY TRIAL, and REDRESS OF JCY, see EXH.#39 of AMENDMENT OF COMPLAINT?[2] (B) "strike" pertinent, relevant pleas from "the Court Record"? (C) cancel, and deny, Hearings of pertinent matter not considered by the Court below? (D) coerce dismissal/setting aside, of DEFAULT ENTRIES of five (5) Defendants (Appellees) without "just cause";[3] and through deception of the Motions Clerk and the coercive "dismissal" Judge, ignoring originally scheduled PROOF HEARING and Judge scheduled? (E) deny proper filings of pertinent matter in the Court Below? (F) illegally impose costs/fees on victim JCY, suffering "double jeopardy" "false arrest"[4] judicially coerced losses? (G) perpetrate "false arrest"[4] oppression of good American JANICE CHING YEE?

4. Can the involved Appellees, their involved Attorneys, and the Court below's violators who instigated/perpetrated unconstitutionality which invoked the JURISDICTION of the Court; be considered immune and reap immunity?

APPENDIX 10.

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[1] from p. 13 & 14 of OPENING BRIEF, filed 2/14/85, in Hawaii Supreme Court.

[2] see updated APP. 10 of Opening Brief, HSC ("tCR" HSC, p. 303-388)

[3] HRCP, RULE 38.

[4] see definitions, *JILLSON v. CAPRIO*, APP. 2, p. 1, 3, 7.

Cades Schutte Fleming & Wright
Attorneys at Law
P.O. Box 939
Honolulu, Hawaii 96808
1000 Bishop Street
Honolulu, Hawaii 96813
Telecopier (808) 531-8738
Telex 7238589 Cable LEX
Telephone (808) 521-9200

December 26, 1984

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

Re: Yee vs. Betty Vitousek, et al,
Civil No. 83013

Dear Mrs. Yee:

This office has been retained by Mr. Robert G. Hogan to represent his interests in executing on the Judgement obtained against you in the above-referenced case.

The amount of the Judgement is $4,849.83, plus 10% interest per year on that amount from the date of the Judgment, which was November 7, 1984. Interest having been calculated through January 21, 1985, the expiration date of this demand letter as set forth below, the total amount owing is $4,949.58. Interest has been calculated at $1.33 per day, and should you desire to satisfy the Judgment prior to the January 21, 1985 date, this interest will be adjusted accordingly.

This letter constitutes a demand upon you for payment of the Judgment in the amount of $4,949.58. If this office does not receive that amount on or before January 21, 1985, we have been instructed to take appropriate legal action. If we are forced to execute this Judgment against you, you may be liable for Mr. Hogan's reasonable attorneys' fees and costs pursuant to Hawaii law.

APPENDIX 11.

I trust you will give this matter your immediate attention.

Very truly yours,
/s/ Thomas E. Crowley
Thomas E. Crowley
for
CADES SCHUTTE FLEMING & WRIGHT

cc: Ms. Tanya Lamoreaux
Robert G. Hogan

Beginning a Posthumous Career

THIS REAL NIGHT *by Rebecca West; Viking; 266 pages; $16.95*

Dame Rebecca West: new readers and reviews

Excerpt

> “We were not surprised when the war came, for we had heard our father prophesying it all through our childhood. Because of what he had said we knew also that it would not be short, that, indeed, it would never end in our lifetime. That State, he had told us, had taken so much power from individuals that it did not have to consider the moral judgments of ordinary human beings, it could therefore commit crime and was taken over by criminals who saw the opportunity . . . We had also been warned by our music. Great music is in a sense serene; it is certain of the values it asserts. But it is also in terror, because those values are threatened, and it is not certain whether they will triumph in this world.”

TIME, MARCH 25, 1985

—By Paul Gray

APPENDIX 12

BEST AVAILABLE COPY

CERTIFICATE OF SERVICE

I hereby certify that service will be made, for this Petition for Extraordinary Writ of Certiorari; on counsels of, or on all parties involved for relief of Petitioner Pro Se; by hand delivery, or by certified mail to parties out of Hawaii State; at their last known addresses, to:

Hon. U.S. Attorney General Edwin Meese; and
Hon. U.S. Solicitor General Rex E. Lee;
Both at: U.S. Department of Justice
Washington, D.C., 20530. Ph: 202-6332000.
For *28 USC#2403(a)* may apply.

U.S. District (Hawaii) Attorney, Deputy Michael Chun;
at: Hawaii State Capitol, 415 South Beretania Street
Honolulu, Hawaii, 96813. Ph: 808-5484740.
for Respondents related to Hawaii State Government.

Edward Y.C. Chun, of Chun, Kerr, and Dodd.
at: Suite 1408, of 700 Bishop Street,
Honolulu, Hawaii, 96813. Ph: 808-5316575.
for Respondents Alfred A. Yee, and AAY & Associates, Inc.

William McCorriston, Warren Price III, and David Fairbanks; of Goodsill, Anderson, Quinn, and Stifel;
at: Suite 1600, of 130 Merchant Street,
Honolulu, Hawaii 96813. Ph: 808-5475600.
for Respondents Edward Chun; John Hancock Mutual Life Co.; James Koshiba; and Hawaii State Bar Assn. involved; ET AL.

Thomas Crowley, of Cades, Schutte, Fleming, and Wright;
at: Suite 1420, of 841 Bishop Street,
Honolulu, Hawaii, 96813. Ph: 808-5219200.
for Respondents Robert Hogan, and Harold Nickelsen.

Charles Witherwax, and M. Tyler Pottenger, of A Law Corp.
at: Suite 1420, of 841 Bishop Street,
Honolulu, Hawaii, 96813. Ph: 808-5248833.
for Respondents Bobby Kau, and John S. Williamson.

Benjamin Carroll, of McKenzie, Trecker, and Fritz;
at: Suite 710, of 820 Mililani Street,
Honolulu, Hawaii 96813. Ph: 808-5283900.
for Respondent Dr. Kwong Yen Lum.

Molly Jo Campbell, of Char, Hamilton, Campbell, and Thom;
at: Suite 2100, of 737 Bishop Street,
Honolulu, Hawaii 96813. Ph: 808-5243824.
for Respondent Dr. Jarret Ko.

Stephanie Kokernak, Respondent Pro Se;
at: 1708 Nuuanu Avenue,
at: Honolulu, Hawaii 96817. Ph: none.

John Parks, Respondent Attorney for self;
at: 3716 Diamond Head Road,
at: Honolulu, Hawaii 96816. Ph: 808-7325756.

New Contributory Respondents to be served:

Judges: Richard Au, for self;	Ph: 808-5482440.
Edwin Honda, for self;	Ph: 808-5485705.
Philip C[illegible]n, for self;	Ph: 808-5485441.

each a[illegible]awaii Circuit Court, 777 Punchbowl Street,
Honolulu, Hawaii, 96813.

Attorneys: Charles Witherwax, M.Tyler Pottenger, Thomas Crowley, William McCorriston, and Warren Price III;
at: their respective offices noted. Ph: noted.
for each as Contributory Respondent; as pled.

Associate Justice James Wakatsuki, self; Ph: 808-5488473.
Substitute Justices, Judges:

Harry Tanaka, for self;	Ph: 808-5483406.
Leland Spencer, for self;	Ph: 808-5485438.
Ronald Moon; for self;	Ph: 808-5485750.
Robert Klein, for self;	Ph: 808-5482173.

at: c/o Hawaii Supreme Court, 417 South King Street,
Honolulu, Hawaii, 96813.
for each as Contributory Respondent; as pled.
for service, this ~~8th~~ 15th day of April, 1985.

(Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee, Petitioner Pro Se
at: 3169 Alika Avenue, Honolulu, Hawaii, 96817.
ph: 808-5953426.

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* see Affidavit of Petitioner Pro Se; pg. 23 of Petition.